



Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

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

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

A. LOCAL OBJECTIVES

The overall plan for the Section 8 Program is designed to achieve three major objectives:

1. To provide improved living conditions and decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.
2. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments.
3. To promote freedom of housing choice and spatial deconcentration of lower income and minority families.

B. PURPOSE OF THE PLAN

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives. The Plan covers both admission and continued participation in these programs. Policies are the same for both programs unless otherwise noted.

The HA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the Board of Commissioners of the agency and a copy provided to HUD.

C. FAIR HOUSING POLICY/VIOLENCE AGAINST WOMEN [24 CFR 982.54(d)(6)]

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

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

To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide Federal/State/local information to Voucher holders regarding "discrimination" and any recourse available to them if they are victims of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the HA's facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the HA's office in such a manner as to be easily readable from a wheelchair.

The Fall River Housing Authority has adopted and is implementing the provisions of the Violence Against Women Act of 2005. The policies and procedures adopted by the Authority are contained in our Violence Against Women Policies and Procedures and attached by reference to this Plan.

D. SERVICE POLICY /ACCOMMODATIONS

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the HA, when the HA initiates contact with a family including when a family applies, and when the HA schedules or reschedules appointments of any kind.

It is the policy of this HA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

The HA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on HA forms and letters to all families, and all requests will be verified so that the HA can properly accommodate the need presented by the disability.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability.

The HA may approve exception payment standards up to 120% of the FMR without HUD approval if required as a reasonable accommodation.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All HA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Verification of a Request for Accommodation

All requests for accommodation or modification will be verified with a reliable knowledgeable, professional.

The Housing Authority utilizes organizations which provide assistance for hearing- and sight- impaired persons when needed.

A list of available accessible units will be maintained by the HA.

E. TRANSLATIONS OF DOCUMENTS

In determining whether it is feasible to translate documents into other languages, the HA will consider the following factors:

Number of applicants and participants who do not speak English and speak the other language.

Cost of translation into the other language per/client who speaks the language.

Evaluation of the need for translation by agencies that work with the non-English speaking clients.

The availability of organizations to translate documents, letters and forms for non-English speaking families.

Availability of bilingual staff to explain untranslated documents to clients.

F. FAMILY OUTREACH

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

To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The HA may also utilize public service announcements.

The HA will communicate the status of housing availability to other service providers in the community, advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

G. OWNER OUTREACH [24 CFR 982.54(d)(5)]

The HA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families. The HA maintains a list of interested landlords & list of units available for the Section 8 Program and updates this list regularly. When listings from owners are received, they will be compiled by the HA staff by date of availability.

The Housing Authority will actively recruit suburban property owners and when available grant exception rents for accessible and suburban properties.

The staff of the HA initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is offered to acquaint owners and managers with the opportunities available under the program.

The HA periodically evaluates the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.

The HA conducts periodic meetings with participating owners to improve owner relations and to recruit new owners.

H. PRIVACY RIGHTS

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

The HA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

In accordance with HUD requirements, the HA will furnish prospective owners with the family's current address as shown in the HA's records and, if known to the HA, the name and address of the landlord at the family's current and prior address.

The HA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only to be accessed by authorized staff. The staff person who is utilizing a file is responsible for its security. Files will never be left unattended or placed in common areas.

HA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

I. EQUAL EMPLOYMENT OPPORTUNITY

The HA practices affirmative action in hiring, promotion and conditions of employment. Position vacancies are advertised in agencies, media offering services to minority groups. The HA's recruitment practices will apply aggressive outreach to community-based racial and ethnic groups so that the composition and culture of the staff reflects the composition and culture of the community, to the extent possible. All HA job postings will display the affirmative action/equal employment opportunity logo and slogan prominently.

J. RULES AND REGULATIONS

This Administrative Plan is set forth to define the HA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

K. JURISDICTION

The jurisdiction of the HA is the state of Massachusetts.

L. MONITORING PROGRAM PERFORMANCE

Reports will be maintained for:

Monitoring funding availability, to ensure the HA is at maximum lease-up but not over leased

Tracking outstanding Vouchers for expiration

Timeliness of annual activities

Numbers of failed inspections and abatements

Claim payments made

Number and reason for moves and terminations of assistance.

Number of new vouchers issued

Repayment of amounts owed the HA

In order to ensure quality control, supervisory staff audits the following functions:

5% of reexaminations

100% of new applications

5% of the HQS inspections completed by each inspector

100% of claims processed

M. TERMINOLOGY

The Fall River Housing Authority is referred to as "HA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords. "Landlord" and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"New Rule" refers to the HUD Occupancy Regulations effective 10/2/95. "Old Rule" refers to the Regulations that were superseded on that date.

"Non citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The Section 8 programs are also known as the Voucher program.

"HQS" means the Housing Quality Standards required by regulations as enhanced by the HA.

"Failure to Provide" refers to all requirements in the first Family Obligation. See Chapter 15, "Denial or Termination of Assistance."

See Glossary for other terminology.

Chapter 2

ELIGIBILITY FOR ADMISSION

INTRODUCTION

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

Eligibility Factors

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

The HUD eligibility criteria are:

An applicant must be a "family"

An applicant must be within the appropriate Income Limits

An applicant must furnish Social Security Numbers

An applicant must furnish evidence of Citizenship/Eligible Immigrant Status

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

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors. Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for issuance of a Voucher.

Eligibility factors will be verified prior to the family being offered Section 8 assistance.

A. FAMILY COMPOSITION [24 CFR 982.54(d)(4)(i)]

The applicant must qualify as a Family. A Family may be an eligible single person or a group of persons. Equal access shall be provided to all applicants regardless of sexual orientation, gender identity or marital status.

A group of persons consisting of one or more elderly or disabled persons living with one or more live-in aides is a family.

A "family" includes a family with a child or children.

Two or more persons sharing residency whose income and resources are available to meet the family's needs AND who are (a) either related by blood, marriage, or operation of law, or (b) who have evidenced a stable family relationship are considered a family.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members. The FRHA shall consider the facts of each individual situation in determining if an absence is temporary.

A single person may be:

An elderly person

A displaced person

A person with a disability

Any "other single" person who is not age 62 or older, disabled, displaced, or the remaining member of a tenant family. However, in no event may any single person be provided with a Voucher of two bedrooms or more.

Head of Household

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

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an Elderly Household, provided that the person is at least partially responsible for paying the rent.

Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the Noncitizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Live-In Attendants

A Family may include a live-in aide who:

Is determined to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities, and

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

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

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

Family members of a live-in attendant may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in's family members does not overcrowd the unit.

A Live in Aide may only reside in the unit with the approval of the HA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is necessary for the care of the family member who is elderly, near-elderly (50-61) or disabled.

Verification must include the hours the care will be provided, as well as the services and time required by the family member from the live-in aide.

The HA has the right to disapprove a person selected by the family to serve as live-in aide based on the "Other Criteria for Eligibility" described in this Chapter (Section E).

Split Households Prior to Voucher Issuance

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

1. Which family member applied as head of household.
2. Which family unit retains the children or any disabled or elderly members.
3. Restrictions that were in place at the time the family applied.
4. Role of domestic violence in the split.
5. Recommendations of social service agencies or qualified professionals such as children's protective services.

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

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit. Any split will result in application of the procedures listed above under "Split Households".

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively. When both parents are on the Waiting List or Section 8 program and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

B. INCOME LIMITATIONS [24 CFR 813.106, 982.201 (b) (d), 982.54(d)(4)(ii)]

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

A very low-income family; or

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

A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 60 days of voucher issuance. Programs include public housing, all Section 8 programs, and all Section 23 programs.

A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

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

A low-income non-purchasing family residing in a project subject to a home ownership program under 24 CFR 248.173.

A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

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

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

Single jurisdiction HA's: The applicable income limit to be used at initial issuance of a voucher is the income limit of the HA.

Multi jurisdictional HAs: The applicable income limit used for initial issuance of a voucher is the highest income limit with the HA's jurisdiction.

For admission to the program (initial lease-up), the family must be within the very low income limit of the jurisdiction where they want to live.

Portability: For initial lease-up, families who exercise portability must be within the very low income limit for the jurisdiction of the receiving HA in which they want to live.

Participant families who exercise portability, and request or require a change in their form of assistance, must be within the low income limit of the receiving HA if they are to receive the alternate form of assistance.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 750.10 (a-f)]

Families are required to provide verification of Social Security Numbers for all family members to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program. HUD's Refinement of Income and Rent Rule will be used to enforce this section.

Applicants who are otherwise eligible but do not provide documentation of SSN's for each household (except non-contending) may retain their place on the waiting list also they may not become participants until requirements are met.

If a child under 6 was added within 6 months prior to voucher issuance/admission to the PH, applicant may become a participant as long as documentation is provided within 90 calendar days of the effective date of the HAP contract/admission to PH.

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

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR 812.5]

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

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

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students defined by HUD in the non citizen regulations are not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

E. OTHER CRITERIA FOR ADMISSION [24 CFR 982.552 (c)]

The HA may apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program. (Further clarification on causes for denial are outlined in Chapter 15 of this Plan.)

1. The Family must have not have violated any family obligation during a previous participation in the Section 8 program.

When the HA denies assistance to an applicant with a disability, the applicant may request a review of the family obligation that was violated, if the violation was a result of the disability.

An exception may be granted at the discretion of the HA if the family member who violated the family obligation is not a current member of the household on the application, and the remaining family members were not responsible for or a party to the violation.

2. No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

3. Family must not have violated the requirements under the family's Contract of Participation in the Family Self Sufficiency Program without good cause.

4. Family must have paid any outstanding debt owed the HA or another HA as a result of prior participation in any federal housing program.

No Repayment Agreement will be accepted.

At the time of initial application, the family must pay any such debts in full in order to be placed on the waiting list.

The HA reserves the right, in the case of extreme hardship, to offer or amend a Repayment Agreement in accordance with its procedures. Full documentation of the hardship will be required. In no case will the debt be forgiven.

6. No member of the family may have engaged in drug related or violent criminal activity. Activity may include arrests, convictions or other credible preponderance of evidence that such activity has occurred.

If either as a result of the standardized inquiry or the receipt of a verifiable referral, there is indication that the family or any family member has engaged in drug-related criminal activity or violent criminal activity, the HA may conduct closer inquiry to determine whether the family should be denied admission.

The HA will check criminal history for all applicants/adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity. This includes residents that are porting into Fall River.

LOOKBACK PERIODS FOR CRIMINAL RECORDS

Congress directs housing authorities to look at criminal activity only if it occurred during a “reasonable time” before the screening takes place (HUD Notice H 2002-22). HUD advises housing authorities to adopt specific “look-back periods” that limit what criminal conduct is considered during the screening process based on when the conduct occurred and/or the type of conduct (Notice PIH 2015-19).

. Convictions. At the time of applicant screening, one (1) or more convictions for crimes listed below during the corresponding look-back period will be grounds for denial of admission:

PERIOD

LIFETIME BAN

10 years

5 years

3 years

CRIMINAL CONVICTIONS

Murder; Manslaughter, Attempted murder with a deadly weapon; Arson; Crimes of abuse or neglect of minor children; Kidnapping; Manufacturing or producing methamphetamine or other illegal drug; Rape; and Crimes requiring lifetime sex offender registration status.

Armed robbery; Felony sexual assault; and Felony assault.

Burglary; Delivery of controlled substances; Domestic abuse; Illegal possession, discharge, display or carrying of firearm; Intent to sell drugs; and Robbery

Controlled substance possession or use; Misdemeanor assault; and Prostitution

The HA must establish standards that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In this screening of applicants, the HA must perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided. The HA will check both the Massachusetts Sex Offenders Registry Board as well as a check with the Dru Sjodin National Sex Offender Public Website (NSOPW), coordinated by the U.S. Department of Justice.

Verification of any past activity will be done at final eligibility and may include a check of conviction records.

7. No family member may have engaged in serious or repeated lease violations while a resident of public housing.

8. No family member may have engaged in or threatened abusive or violent behavior toward HA personnel.

9. Families must not supply false, inaccurate or incomplete information on any application for federal housing programs, including public housing.

Appendix 5 to this ACOP encompasses the intent of the Fall River Housing Authority in screening applicants for admission to our federally subsidized housing programs. Where this policy is not clear or omits items included in this policy or contained in 24CFR Parts 5 and 982 said One-Strike policy and the CFR shall apply.

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

The HA may take into consideration any of the additional criteria for admission in Section E above, but may not otherwise screen for factors which relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

The HA will advise families how to file a complaint if they have been discriminated against by an owner. The HA will advise the family to make a Fair Housing complaint. The HA could also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

G. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between final eligibility determination and executed Contract date will affect eligibility and/or level of benefits for the Section 8 Programs. Consequently, families are required to report changes in family circumstances within five business days to the HA. If an applicant family is no longer eligible, they will be notified of the ineligible status in writing, and an informal review will be offered consistent with procedures outlined in this plan.

H. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non citizen status. See Chapter 19, "Complaints and Appeals" for additional information about reviews and hearings.

I. HOUSING AUTHORITY DISCRETION

The HA at all times shall reserve the right to exercise its judgment regarding denial of assistance on a case by case basis for any of the listed circumstances described in this Chapter. The HA may also opt to enter into a probationary agreement with an applicant family or participant if it is felt to be in the best interest of the HA.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

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

A. APPLICATION TAKING

The Fall River Housing Authority has elected to utilize the MassNAHRO's Centralized Application and Waiting List process. Over the past few years, the Department of Housing and Urban Development has encouraged the use of a Centralized Waiting List by Public Housing Authorities.

After initial implementation of the Centralized Waiting list applications will be accepted at all times i.e. the list will remain open. The FRHA may however determine that application taking will be suspended pursuant to section B below.

It is anticipated that a Centralized Section 8 Waiting List will afford the Fall River Housing Authority and its clients the following benefits:

1. Ease of application process for participants who may apply at the office of any Housing Authority participating in the centralized waiting list option.
2. Eliminate the procedural hardship on families and administrative burden to the Housing Authority of closing and opening of the Section 8 Waiting List. The Centralized Section 8 Waiting List will be maintained as an open waiting list.
3. Increase housing opportunities for families who now have the potential option of placement at a number of locations throughout the Commonwealth through the submission of a single application.

A single, standardized Preliminary Application is available at each participating Housing Authority. A master list of all participating Housing Authorities will be maintained at the office of the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (hereinafter MassNAHRO) and at each participating Housing Authority. Only one application will be accepted for each Head of Household.

The Preliminary Application will request information as required to administer the Section 8 Housing Choice Voucher Program such as: name and city or town (where Head of Household and spouse live and work), telephone number, total number of family members, Head of Household's social security number, if client is 62 years of age or older or disabled, total gross family income, race, and ethnicity. Information regarding preferences adopted by participating

Housing Authorities will also be elicited on this application.

The Housing Authorities collectively reserve the right to modify the application to include other information required or useful to administer the Section 8 Housing Choice Voucher Program. All participating Housing Authorities must agree to adopt said modification to the application in advance to such modification.

Applications will be available for completion at the Fall River Housing Authority in person between the hours of 9:00 am and 4:00 pm on Mondays through Fridays, and maybe mailed or faxed.

Upon completion of the application it shall be marked by the Housing Authority staff with date and the time of submission and the family shall be provided with a standard receipt evidencing submission of the application.

The Fall River Housing Authority will then enter the information from the Preliminary Application into the Centralized Waiting List.

Families who wish to apply for any of the HA's programs must complete a written application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

Applications will be mailed to interested families upon request in exceptional cases. Handicapped/disabled individuals will be included in this category.

The HA will accept as written verification of an applicants disability the following items;

1. Documents showing that the applicant is currently receiving Supplemental Security Income (SSI) for a disability.
2. Documents showing that the applicant is currently receiving Social Security Disability Income (SSDI)
3. Documents showing that the applicant is currently receiving Emergency Aid to Elderly Disabled and Children (EAEDC).
4. Other form of payment based on disability.
5. Verification of disability by a third party professional (doctor, therapist or case worker). This verification will require only a Yes or No as to whether the applicant is disabled.

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

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

The waiting list will remain open for a minimum of 2 days. Applications requested during this 2 day period must be returned to the HA within 2 weeks of the application opening.

B. OPENING/CLOSING OF APPLICATION TAKING

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

When the HA opens the waiting list, the HA may advertise through public notice in the Fall River Herald News, New Bedford Standard Times, O'Journal, and other local service organizations, disability organizations, local radio, and local TV with closed captions advertisements if available at said TV station.

The notice will contain:

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

The programs for which applications will be taken.

A brief description of the program.

8. A statement that public housing residents must submit a separate application if they want to apply for Section 8.

Limitations, if any, on who may apply.

These notices will be completed at least one week prior to the reopening of applications.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the HA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time may be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Taking Is Suspended

Suspension of application taking is announced in the same way as opening the waiting list and may be accomplished by announcing the time periods when application taking is opened. That is we will announce the time period during which applications will be accepted. As stated earlier in this plan, we anticipate that the list will remain open upon our joining the MassNAHRO Centralized Waiting List. Should we need to suspend application taking this paragraph will be the basis for the closing.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 24 months. The HA will give at least three days notice prior to closing the list. When the period for accepting applications is over, the HA will add the new applicants to the list by separating the new applicants into groups based on preferences and ranking applicants within each group via a random selection process.

The random selection process will be administered by MassNAHRO and will be performed for all applications received during the initial opening period. Upon completion of the initial opening period all applications will be placed on the centralized waiting list based on the date and time of application.

When new applicants are added to the waiting list we will perform the random drawing as detailed above. Those added via this method will be placed on the waiting list after those remaining on the list. That is those already on the list will not lose their position.

Limits on Who May Apply

When the waiting list is open any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

C. "INITIAL" APPLICATION PROCEDURES

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

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

Names and age of all members

Gender and relationship of all members

Street Address and phone numbers

Mailing Address (If PO Box or other permanent address)

Amount(s) and source(s) of income received by household members

Information regarding Disabilities relating to program requirements (i.e., deductions)

Information related to qualification for preferences

Social Security Numbers

Race/ethnicity

Citizenship/eligible immigration status

Arrests/Convictions for Drug Related or Violent Criminal Activity

Request for Specific Accommodation needed to fully utilize program and services

Previous address

Current and previous landlords' names and addresses

Program integrity questions regarding previous participation in HUD programs

Duplicate applications, including applications from a segment of an applicant household, will not be accepted. Ineligible families will not be placed on the waiting list.

Pre-applications will not require an interview. The information on the application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

Applicants are required to inform the HA in writing within 10 business days of changes in family composition, income, and address, as well as any changes in their Preference status. Applicants are also required to respond to requests from the HA to update information on their application, or to determine their continued interest in assistance.

A family may update its application (i.e. change of address) for Section 8 Assistance at the office of any Housing Authority participating in the Centralized application process regardless of where the original application was

submitted. To update the application a written request must be submitted by the family. A receipt will be provided to the family as evidence of said update. The Housing Authority who receives the updated information will give the family a receipt indicating that the family had submitted the update.

If determined necessary by MassNAHRO, on an annual basis, MassNAHRO may send a letter to each applicant on the Centralized Section 8 Waiting List. This letter will be sent to the address on the Section 8 preliminary Application or on any written change of status request that was completed and sent to a participating Housing Authority. Applicants will be requested to respond to the mailing within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Centralized Section 8 Waiting List. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Centralized Section 8 Waiting List.

Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list. See Chapter 19, "Complaints and Appeals"

D. NOTIFICATION OF APPLICANT STATUS

If after a review of the pre-application the family is determined to be preliminarily eligible, they will be notified in writing, in an accessible format upon request as a reasonable accommodation. The notice will contain the approximate date that assistance may be offered, and will further explain that the estimated date is subject to factors such as turnover and additional funding.

This written notification of preliminary eligibility will be mailed to the applicant by first class mail

If the family is determined to be ineligible based on the information provided in the pre- application, the HA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. See Chapter 19, "Complaints and Appeals."

If a family is denied assistance by the Fall River Housing Authority, they will have the right to the grievance procedures set forth in the Fall River Housing Authority's Administrative Plan. After such time expires to request an informal hearing or a hearing is held and the decision is upheld, the family will be denied participation in the Section 8 Program by the Housing Authority making the determination. The family's name will not be removed by the Fall River Housing Authority from the Centralized Section 8 Waiting List because the family may be eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Fall River Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

Applicants wishing to verify their status on the Section 8 Centralized Waiting List must request the information in writing. The FRHA will respond in writing.

E. TIME OF SELECTION

When funding is available, families will be selected from the waiting list in their preference- determined sequence, regardless of family size.

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

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

F. COMPLETION OF A FULL APPLICATION

All Preferences claimed on the pre-application or while the family is on the waiting list will be verified after the family is selected from the waiting list, and prior to completing the full application

The qualification for preference must exist at the time the preference is verified regardless of the length of time an applicant has been on the waiting list because the preference is based on current status.

After the preference is verified, when the HA is ready to select applicants, applicants will be required to complete a full application in their own handwriting, unless assistance is needed, or a request for accommodation is made by a person with a disability. Applicant will then be interviewed by HA staff to review the information on the full application form.

The applicant will sign and certify that all information is complete and accurate.

The full application may be mailed as an accommodation to a person with a disability in advance to complete when the applicant attends the interview.

Requirement to Attend Interview

Further, if the family does not respond to a letter sent by a participating Housing Authority to attend an eligibility determination appointment or to otherwise respond to the Housing Authority, the Housing Authority who requested said response may remove the family's name from the Centralized Section 8 Waiting List. The manner and grounds for said removal shall be governed by the Administrative Plan for the Housing Authority making said removal.

The HA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other HA services or programs which may be available.

All adult family members and emancipated minors must attend the interview appointment and certify by signature that all of the information is complete and accurate.

It is the applicant's responsibility to reschedule the interview if he/she misses the appointment. If the applicant does not reschedule or misses two scheduled meetings, the HA will reject the application.

Applicants who fail to appear and want to reschedule a missed appointment must make the request to reschedule no later than 2 days from the original appointment date. The request must be made to the staff person who scheduled the appointment or her/his supervisor if the person is not available.

Reasonable accommodation may be made for persons with a disability who requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.

If an application is denied due to failure to attend the full application interview, the applicant will be notified in writing and offered an opportunity to request an informal review. (See Chapter 19, "Complaints and Appeals.")

All adult members and emancipated minors must sign the HUD Form 9886, Release of Information, the application form and all supplemental forms required by the HA, the declarations and consents related to citizenship/immigration status and any other documents required by the HA. Applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and release as required by the HA.

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

If the HA determines at or after the interview that additional information or document(s) are needed, the HA will request the document(s) or information in writing. The family will be given 10 calendar days to supply the information.

If the information is not supplied in this time period, the HA will provide the family a notification of denial for assistance. (See Chapter 19, "Complaints and Appeals.")

G. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

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

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

INTRODUCTION

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

By maintaining an accurate waiting list, the HA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. APPLICATION POOL

The waiting list will be maintained in accordance with the following guidelines:

1. The application will be a permanent file.
2. Applications equal in preference will be maintained by random selection process as described on page 3-2.
3. All applicants must meet "Very Low Income" eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in Chapter 2, "Eligibility for Admission," must have been approved previously by the HUD Field Office.

B. WAITING LIST PREFERENCES

The HA will apply a system of preferences. All applications will be ordered by highest to lowest preference status, with applications assigned only the highest preference for which they appear to qualify. Among applicants with equal preference status, the waiting list will be organized by random selection process described on page 3-2.

An applicant will not be granted any preference if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related criminal activity.

The HA may grant an exception to such a family if the responsible member has successfully completed a rehabilitation program.

Types of Applicants with Preference Over "Other Singles":

Elderly, disabled and involuntarily displaced singles will be given a selection priority over all "Other Single" applicants regardless of preference status. Single persons will not be selected until they are the only ones on the list.

"Other Singles" denotes a one-person household in which the individual member is neither elderly, disabled nor displaced by government action. Such applicants will be placed on the waiting list in accordance with the random selection process described in this plan, but cannot be selected for assistance before any elderly, disabled or involuntarily displaced single regardless of any preferences.

C. LOCAL PREFERENCES

The HA uses these Local Preferences, which are weighted highest to lowest in the following order, reflect priorities by need as well as local concerns, and require verification at the time of offer:

1. Resident of the City of Fall River paying forty percent (40%) or more of their adjusted income for rent. This also includes the applicants on the Centralized Waiting List at showing a Rent Burden of 50%.

2. Residency preference for families who are residing in the City of Fall River, or have at least one adult member who works or has been hired to work, provided that no household member is currently living in subsidized or low income housing, or has lived in such assisted housing during the previous six months. No applicant living in a Federally subsidized Public Housing Project will be denied this preference. This includes applicants that show Fall River as their residence or place of employment as being the City of Fall River.

3. Working preference for (a) families with at least one adult who is employed a minimum of 32 hours weekly and has been employed for at least three months. Pursuant to 24CFR982.207 (b)(2) this preference shall also be available to families in which the head and spouse or sole member, are age 62 or older or is a person with disabilities.

4. A family who is suffering from Domestic Violence (including sexual abuse) by a spouse or other family member.

5. Disabled/handicapped families under the age of 62. (The HA will select 15% of those receiving assistance from this category. This 15% includes those disabled/handicapped families under the age of 62 that are selected under preferences 1, 2 3 or 4). The intent of this preference is to assure that 15 percent of those selected are handicapped/

6. All other families subject to the income limits of the program which are

Effective 4/14/2017

Number of People	Income
1 person	\$25,250
2 people	\$28,850
3 people	\$32,450
4 people	\$36,050
5 people	\$38,950
6 people	\$41,850
7 people	\$44,750
8 people	\$47,600

7. Families at or below 30% of the current income limits as published by HUD.

The current income limits at 30% are as follows;

Effective 3/6/2015

Number of People	Income
1 person	\$15,650
2 people	\$17,850
3 people	\$20,100
4 people	\$24,250
5 people	\$28,410
6 people	\$32,570
7 people	\$36,730
8 people	\$40,890

Families within preferences will be selected in such a manner that not less than 75% of selected applicants fall within this category.

D. EXCEPTIONS FOR SPECIAL ADMISSIONS

If the FRHA develops a program that is targeted for specifically named families, the HA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. They are not counted in the limit on non-federal preference admissions. The HA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD/FRHA/DHCD for families living in a specified unit:

1. A family displaced because of demolition, disposition, discontinuation or loss of funding of a federal or state public housing project or program;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term;
5. A non-purchasing family residing in a HOPE 2 project; and
6. An eligible family residing in a unit that is being Project Based pursuant to Appendix 3 of this plan. (See Appendix 3 Section M.

7. Watuppa Heights residents who were displaced by the demolition of this project and moved to other Fall River Housing Authority developments at that time will be given first preference on a project based wait list.

E. TARGETED FUNDING

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

The HA has no "Targeted" Programs at present.

F. PREFERENCE ELIGIBILITY

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the HA in writing when their circumstances change, including any change of address.

Cross-Listing of Public Housing and Section 8

The HA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the HA must offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the HA must offer to place the family on the public housing waiting list.

G. ORDER OF SELECTION

The order of selection is based on random selection method described on Page 15.

It is a HUD requirement that elderly and disabled families and displaced singles will always be selected before other singles.

H. FINAL VERIFICATION OF PREFERENCES

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the HA will obtain necessary verifications of preference at the interview and by third party verification.

I. PREFERENCE DENIAL

If the HA denies a preference, the HA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review. If the preference denial is upheld as a result of the review, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the Waiting List.

J. REMOVAL FROM WAITING LIST AND PURGING

If an applicant fails to respond to a mailing from the HA within the time frame indicated, they will be removed from the waiting list. An extension may be considered an accommodation if requested in advance by a person with a disability. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re- mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless family/health/work emergency is verified by the HA.

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

The same guidelines will be used for failure to respond to this mailing. Notices will be made available in accessible format upon the request of a person with a disability.

Family Right to Move Under the Project-based Housing Choice Voucher (PBV) Program

The specific regulation covering the ability of a household residing in a Project-based Housing Choice Voucher (“PBV”) unit to seek a Tenant-based Housing Choice Voucher (“TBV”) is found at 24 CFR 983.260.

There is no requirement in the regulations that a household availing itself of the option to go from a PBV Program to the TBV Program must go through the waiting list. The PBV Program is a subset of the TBV Program, which means that going from a PBV unit to a TBV is no different than going into housing search for a new unit under the TBV regulations except that available budget authority is a factor since the household does not have its own budget authority assigned that can travel with it. The allocated budget authority must remain behind with the unit under the Project-based Housing Choice Voucher (“PBV”) Program.

Effective administration of this right for a household residing in a PBV unit requires careful coordination of notice requirements and available budget authority so that a household does not prematurely give a termination notice to their current landlords without access to a TBV and identification of a FRHA approved unit in which the TBV can be used. The result of a premature termination notice without a new unit approved and under a HAP contract with the FRHA would be a loss of the PBV unit to the household and no TBV subsidy available – an outcome that could result in a household becoming displaced.

Notice Requirements

No PBV household can have access to a TBV without proper notice to the FRHA of the household's intent to move from the PBV unit to another unit prior. The soonest that a new lease using a TBV can be effective is the 1st day of the thirteenth month from the effective date of the PBV lease.

A. Households *within* their initial twelve month participation in the PBV Program

For households within their initial twelve month lease in the PBV program, the FRHA will not assess the feasibility of the issuance of a TBV sooner than 90 days prior to the end of the initial PBV lease. The initial PBV lease should have a twelve (12) month duration, but if it does not, the PBV household still cannot use a TBV prior to the 1st day of the thirteenth (13th) month after initial move-in.

The FRHA has a **Request for Issuance of a TBV Form** which may be completed and submitted to the FRHA any time after the end of the ninth (9th) month of occupancy. The FRHA will review the form to determine if the household is eligible for issuance of a TBV and will assess available and/or projected budget authority to determine if the household can be put into housing search status. A household can be put into a housing search mode prior to the end of their initial 12 month occupancy, but no new unit may be put under a HAP contract prior the 1st day of the thirteenth month.

If the FRHA's assessment of available and/or projected budget authority results in a determination that inadequate resources are available for the household's use based on the estimated move-in date listed on the Request for Issuance of a TBV Form, the household will be so informed in writing and a **non-binding** projected date as when sufficient budget authority could be available will be stated in the Notice. The household will be told as part of any notice of the unavailability of budget authority that no Request for Lease Approval ("RFLA") will be accepted for FRHA review unless the household has been previously told in writing that it can initiate a housing search for a new unit in which a TBV can be used.

Households informed of the unavailability of budget authority will be tracked by date and time of their request once it is determined to be consistent with the one year PBV participation requirement. Such a determination will not take longer than 10 business days from receipt of the request. Requests will be date and time stamped by the HVC Program Receptionist upon delivery by hand or mail. Households desiring a receipt for their request must have someone hand deliver their request to the HCV Program Receptionist during regular public business hours.

The FRHA may receive multiple submission of a **Request for Issuance of a TBV Form** from different households in any given month. These will be reviewed a first come, first served basis using a date & time stamp approach. If unable to determine sequence on a date & time basis for any reason, a lottery mechanism for Forms submitted during the given week will be allowed. If a lottery approach is used, those households unable to have budget authority reserved for the duration of a housing search period, which is 60 days unless otherwise extended to the maximum allowed by FRHA policy, will be told that that a lottery approach was used as part of the written response to their request.

If an adequate level of budget authority is available, the PBV household seeking a TBV for use after their initial twelve month occupancy period will be so informed before the end of the 10th month leaving up to 60 days for housing search. Any notification will remind the household that before any final approval of a new lease for a new unit using a TBV occurs that the household must provide proof of proper a notice of lease termination delivered to the current landlord. The FRHA will verify by phone that a proper termination was provided.

A termination of the current lease is not required prior to submission of a **Request for Lease Approval** for a new unit and the new unit that has been proposed may be inspected at the discretion of the FRHA, BUT no HAP contact will be executed without proof of proper termination notice for the unit occupied by the family.

B. Households *beyond* their initial twelve month participation in the PBV Program

Households seeking to go from a PBV to a TPV during the second year of occupancy or later are only constrained by the termination notice requirements of their existing lease or type of leasehold and availability of budget authority as determined solely by the FRHA. If a landlord is willing to waive the lease termination notice requirements and is willing to confirm this in writing for the FRHA, then any specific written requirements in the lease will be considered to have been satisfied even if they are to the contrary.

A PBV household that is beyond the initial twelve month occupancy requirement may submit a **Request for Issuance of a TBV Form** at any time. The same determination of availability of budget authority will be performed by the FRHA as for households within their initial twelve month lease period.

If adequate budget authority is available, the household will so informed and put into housing search for at least the minimum 60 days. If inadequate budget authority is available, the household will be so informed in writing and a **non-binding** projection date as to when sufficient budget authority should be available will be stated. Once again compliance with any lease requirement for notices of termination must be followed or otherwise waived by the landlord. Proper termination is subject to verification by the FRHA before execution of a HAP contract for of the new TBV unit.

Failure for a PBV household to provide proper termination notice to a landlord or to otherwise not follow the procedures described in this section of the HCV Administrative Plan could result in loss of access to a TBV or possible termination of their PBV caused by the households own actions such as terminating their lease before ascertaining that TBV budget authority is available and being told to go into housing search by the FRHA. Such authority to begin a housing search can only be provided in a written form by the FRHA. Verbal representations by FRHA staff are not binding on the FRHA.

Chapter 5

SUBSIDY STANDARDS

INTRODUCTION

The HAs subsidy standards provide for the smallest number of bedrooms needed to house a family without overcrowding.

The subsidy standards must be consistent with space requirements under the housing quality standards which provides that dwelling unit must have at least one bedroom or living/sleeping room for each two persons.

Children of opposite sex, other than very young children, will not be required to occupy the same bedroom.

The subsidy standards are applied consistently for all families of like size and composition.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

A family that consists of a pregnant woman (with no other persons) will be treated as a two-person family.

Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size.

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

Upon request and verification of the necessity for such, exceptions of subsidy standards may be made by the Housing Authority if to do so serves to provide a reasonable accommodation for a person with a disability.

A. Method of Assignment of Voucher Size

The HA's subsidy standards will reflect the number of people residing in the assisted household. One bedroom shall be allotted per two people (excepting live in aides –see below). The HA will not determine who will share bedroom or living/sleeping room.

GUIDELINES FOR DETERMINING VOUCHER SIZE

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

The bedroom standards were changed effective May 31, 2004. This change will affect all new participants and will affect existing participants when they move from their current unit.

- Children specified in joint custody agreements will be considered family members if the agreement specifies that they live with the parent at least 183 days (6 months) a year;
- Foster children placed in the home shall be included in determining unit size only if they will be in the unit for more than 183 days (6 months) a year.
- 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. A social worker shall designate whether placement is permanent or temporary. Temporary shall be defined as placement out of the home for a period of less than six (6) months or any other compelling evidence demonstrating to the HA that the placement is temporary.

B. CHANGES IN VOUCHER SIZE

The size of the unit must comply with the Massachusetts State Sanitary Code which provides that every dwelling unit must provide 150-sq. ft. of floor space for the first occupant and 100-sq. ft. for each additional occupant. Floor space shall be calculated on the basis of total habitable room area.

Total habitable space is the sum of the floor area of the kitchen, living room, dining area and all bedrooms. If the floor to ceiling height is less than 5ft, that floor area less than 5 ft. is not included in the total habitable space.

In a dwelling unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space; every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant.

Changes for Applicants

The voucher size is determined prior to the briefing by comparing the family composition to the HA subsidy standards. If an applicant requires a change in the voucher size, the following guidelines will apply:

Requests for Exception to Subsidy Standards for Applicants

The family may request a larger sized voucher than indicated by the HA's subsidy standards. Such request must be made in writing within 10 calendar days of the HA's determination of bedroom size. The request must explain the need or justification for a larger bedroom size.

The HA will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

HA shall grant exceptions from the standards if the family requests and the HA determines the exceptions are justified by the health or disability of family members, or other individual circumstances. The FRHA will not review a voucher size for on a reasonable accommodation unless there is a there is a change in the family composition, circumstance, or they are moving

Circumstances may dictate a larger size than the Subsidy Standards permit when persons cannot share a bedroom because of an accommodation which has been requested, such as:

Persons who cannot occupy a bedroom because of a verified medical or health reason.

Elderly persons or persons with disabilities who may require a live-in attendant.

Requests based on health-related reasons must be verified by a medical professional.

If the HA errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size.

Changes for Participants

The members of the family residing in the unit must be approved by the HA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the HA within 5 business days.

Requests for Exception to Subsidy Standards for Participants

The HA may grant an exception upon request as an accommodation for persons with disabilities.

When a change in family composition requires the issuance of another size Voucher, and funds are not available for the program in which the family is assisted, the family may be issued the other form of assistance if funds are available.

The HA will not issue a larger size Voucher due to additions to the family other than by birth, adoption, marriage, or court-awarded custody.

Under housed and Over housed Families

If a unit does not meet HQS space standards due to an increase in family size, the HA will issue a new voucher and assist the family in locating a suitable unit.

C. UNIT SIZE SELECTED

The family may select a different size dwelling than that listed on the Voucher. There are three criteria to consider:

1. Rent Limitation: The HA uses the Payment Standard for the Voucher size or the unit size selected by the family, whichever is less.
2. Utility Allowance: The utility allowance used to calculate the gross rent is based on the voucher size of the family.. The UA used will be the lower of the actual size of unit or the voucher size.
3. Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

Bedroom Size	Maximum # of Persons in Household
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0 Bedrooms	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

Chapter 6

FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION

INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations. This Chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 813 and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The HA's policies in this Chapter address those areas which allow the HA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. INCOME AND ALLOWANCES

Income: The types of money which are to be used as income for purposes of calculating the TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is counted.

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

Adjusted Income is defined as the Annual income minus any HUD allowable deductions. HUD has five allowable deductions from Annual Income:

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

"Minimum Rent" and Minimum Family Contribution.

"Minimum rent" in the voucher program is \$50. Minimum rent includes the combined amount (TTP) a family pays towards rent and/or utilities.

Minimum family contribution in the voucher program is \$50.

The Fall River Housing Authority has set the minimum rent at \$50.00. However if the family requests a hardship exemption, the Fall River Housing Authority will immediately suspend the minimum rent for the

family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
 - 1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
 - 2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - 3. When the income of the family has decreased because of changed circumstances, including loss of employment;
 - 4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - 5. When a death has occurred in the family.
- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will be not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

B. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

The HA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the HA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the household to report changes in family composition. The HA will evaluate absences from the unit using this policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the HA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required both to notify the HA before they move out of a unit and to give the HA information about any family absence from the unit.

Families must notify the HA if they are going to be absent from the unit for more than 14 consecutive days.

If the family fails to notify the HA of an absence of longer than 14 consecutive days, or if the entire family is absent from the unit for more than 90 consecutive days, the unit will be considered to be vacated and the assistance will be terminated. The HA at all times shall reserve the right to exercise its judgment regarding extensions on family absence from the unit on a case-by-case basis. However, HUD regulations require the HA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence" means that no family member is residing in the unit, and the unit has not been vacated. In order to determine if the family is absent from the unit, the HA may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview the landlord
- Interview neighbors
- Verify if utilities are in service

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the HA can verify that the person was unable to notify the HA in accordance with the family's responsibilities, and if funding is available, the HA may reinstate the family as an accommodation if requested by the family.

Absence of Any Member

Any member of the household will be considered permanently absent if he/she is away from the unit for 6 consecutive months except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the HA's "Absence of Entire Family" policy.

Absence due to Incarceration

If the sole member is incarcerated for more than 60 consecutive days, he/she will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if he/she is incarcerated for 6 consecutive months. These are maximum time limits and shall not be considered as routinely acceptable time periods. Absences of members as addressed in previous pages applies.

The HA will determine if the reason for any family member's incarceration is for drug-related or violent criminal activity and will pursue termination of assistance for the family if deemed appropriate.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, the HA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 6 months from the date of removal of the children, the Voucher size will be reduced. If children are removed from the home permanently, the voucher size will be reduced in accordance with the HA's subsidy standards.

Absence of Adult

If neither parent remains in the household nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the HA will treat that adult as a visitor for up to the first 180 days.

If during or by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will then be transferred to the caretaker.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the HA will secure verification from social services staff or the attorney as to the status.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the HA will review the status at 90 day intervals.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made or up to 9 months total.

The HA will transfer the voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 9 months and it is reasonable to expect that custody will be granted.

When the HA approves a person to reside in the unit as caretaker for the children, any income of this person will be counted pending a final disposition. The HA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 6 months, the person will be considered permanently absent.

If an adult family member leaves the household for any reason, the family must report the change in family composition to the HA within 30 days.

The family will be required to notify the HA in writing within 30 days when family member leaves the household for any reason or moves out. The notice must contain a certification by the family as to whether the member is temporarily or permanently absent.

The family member will be determined permanently absent if verification is provided.

Time extension may be granted as an accommodation upon request by a person with a disability.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Students

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

Visitors

The Authority may consider the following factors in determining whether a person is a visitor or resident in the apartment.

Any person not included on the HUD 50058 who is determined to be living in the unit will be considered an unauthorized household member. A family has the right to have temporary guests, subject to the family's responsible behavior while on the leased premises. A person who occupies the premises for more than three consecutive weeks **per year** will be presumed to be an unauthorized household member and the burden of proof that that person is a visitor will rest with the family. A short break in the person's occupancy will not be reason to restart the 3 week period. e.g. a person may not move out for 1 night and restart the 3 week period.

If it comes to the HA's attention that a person claims a family, through a newspaper article or otherwise, that a person claims a family's address as his (her) own, the HA may make further inquiries as to whether the person is an unauthorized resident, but there will be no presumption that the person is an unauthorized resident, and the fact that the non-household member used the address shall not, in and of itself, constitute a basis for concluding that the person is an unauthorized resident.

In determining whether a person is a visitor or an unauthorized resident, the HA shall consider pertinent facts including but not limited to the following:

Any credible evidence that the person has another address, such as rent receipts, statements from landlords, delivered mail, and utility bills. Voter registration and motor vehicle registration may be considered but are not as reliable as those items in the previous sentence.

Any credible evidence that the family's address is used for mailing purposes only.

Any credible statements by the family, the person whose status is at issue, the family's landlord, and/or the family's neighbors concerning the frequency, duration, and circumstances of the person's presence at the leased premises.

In a joint custody arrangement, a minor child who spends less than half of the year (183 calendar days) in the family's household will not be considered a family member for purposes of rent calculation, but will be considered an eligible visitor.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual may be considered an unauthorized member of the family and the HA may terminate assistance since prior approval was not requested for the addition.

Reporting Additions to Owner and HA

Reporting changes in household composition to the HA is both a HUD and an HA requirement.

The family obligations require the family to receive advance HA approval to add any other family member as an occupant of the unit. The HA will conduct an application appointment which the head of household and any adult family members who are seeking to be added must attend. The HA shall notify the family of its determination in writing. No persons should move in until approval from the HA has been received. If the family does not obtain prior written approval from the HA, any person the family has permitted to move in will be considered an unauthorized household member.

Families are required to report any additions to the household resulting from the birth, adoption or court-awarded custody of a child in writing to the HA within 30 days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition.

Reporting Absences to the HA

Reporting changes in household composition is both a HUD and an HA requirement.

If a family member leaves the household, the family must report this change to the HA, in writing, within 30 days of the change and certify as to whether the member is temporarily absent or permanently absent. When available to do so, an adult family member who is leaving the household should remove him/herself in writing from the lease and Section 8 participating family.

The HA will conduct an interim evaluation for changes which affect the TTP in accordance with the interim policy.

A person may not be added or removed from the household more than once a year. Documentation may be required.

C. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the HA may annualize current income and conduct an interim reexamination if income changes.

If there are bonuses or overtime which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year may be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third-party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

D. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income may be required to attend an interim reexamination periodically, up to once per month, at HA discretion.

E. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the HA will calculate the Total Tenant Payment.

Exclude the income and deductions of the member if his/her income goes directly to the facility.

OR

Include the income and deductions of the member if his/her income goes directly to a family member.

F. REGULAR CONTRIBUTIONS AND GIFTS

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every 3 months or more frequently will be considered a "regular" contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter 7, "Verification Procedures," for further definition.)

If the family's expenses exceed its known income, the HA will question the family about contributions and gifts.

G. ALIMONY AND CHILD SUPPORT

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

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

The HA will accept as verification that the family is receiving an amount less than the award if:

The HA receives verification from the agency responsible for enforcement or collection.

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

H. LUMP-SUM RECEIPTS

Lump-sum additions to Family assets, such as inheritances, insurance payments (including lump-sum payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt the HA uses a calculation method which calculates retroactively or prospectively depending on the circumstances.

Retroactive Calculation Methodology

1. The HA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
2. The HA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the HA.

The family has the choice of paying this "retroactive" amount to the HA in a lump sum.

At the HA's option, the HA may enter into a Payment Agreement with the family.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

I. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

J. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The HA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The HA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The HA's minimum threshold for counting assets disposed of for less than Fair Market value is \$5000. If the total value of assets disposed of within a one-year period is less than \$5000, they will not be considered an asset.

K. CHILD CARE EXPENSES

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time.

In the case of a child attending school, only care during non-school hours can be counted as child care expenses.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Examples of those adult members who would be considered unable to care for the child include:

The abuser in a documented child abuse situation, or

A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Allowability of deductions for child care expenses is based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

Amount of Expense: The HA will determine local average costs as a guideline. If the hourly rate materially exceeds the guideline, the HA may calculate the allowance using the guideline.

L. MEDICAL EXPENSES

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

The HA will allow as medical expense the actual out-of-pocket amounts which are owed and anticipated to be paid by the family during the reexamination period. Expenses from the previous year may be analyzed to determine the amount to anticipate when other verification is not available.

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

M. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES

Applicability

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

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter 12, "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

N. REDUCTION IN BENEFITS

If the family's benefits, such as social security, SSI or AFDC, are reduced through no fault of the family, the HA will use the net amount of the benefit.

If the family's benefits were reduced due to family error, omission, or misrepresentations, the HA will use the gross amount of the benefit.

O. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

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

The approved utility allowance schedule is given to families along with their Voucher. The utility allowance is based on the voucher size of the participant and not the unit size.

Where families provide their own range and refrigerator, the HA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 12 month period. Where a landlord provides the range and refrigerator the tenant will not be entitled to an allowance if they select to use their own.

Where the Utility Allowance exceeds the family's Total Tenant Payment, the HA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant unless the HA determines that the utilities are in danger of being turned off. In such cases the HA may make the payments directly to the utility on behalf of the tenant.

P. DISALLOWANCE (24CFR5.617)

Exclusion from annual income.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person 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.

The HA will limit the Earned Income Disallowance (EID) to 2 years (24 consecutive months). We will exclude 100% on the new income for the first year and 50% for the second year for those clients who qualify on or after 5/9/2016, For individuals qualifying for EID prior to 5/9/2016 the old EID rule applies.

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In addition to the deductions listed above the FRHA will not count income received by the Family that is intended for support of a person not a member of the household and that is in the opinion of the FRHA used exclusively for the benefit of the non-household member. E.g. a family member is the representative payee for Social Security benefits and the benefits are used exclusively for the benefit of the non-household member.

Chapter 7

VERIFICATION PROCEDURES

INTRODUCTION

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

A. METHODS OF VERIFICATION AND TIME ALLOWED

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

1. HUD's Enterprise Income Verification System.
2. The Work Number (a private verification service).
3. Third-Party Written
4. Third Party Oral
5. Review of Documents
6. Certification/Self Declaration

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

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

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information. Where HUD's EIV system is used for verifications the FRHA need not obtain Third-Party Written Verification.

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

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

- * Social Security Administration
- * Veterans Administration
- * Welfare Assistance
- * Unemployment Compensation Board
- * City or County Courts
- * Child Support Enforcement Agencies

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to document the oral verification in the family's file. If oral third party verification is not available, the HA will compare the information to any documents provided by the Family. If provided by telephone, the HA must originate the call.

Review of Documents

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

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

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

- * Printed wage stubs
 - If Weekly 8 pay stubs
 - If Monthly 2 pay stubs
 - If Bi-Monthly 4 pays stubs
 - If Bi-Weekly 6 Pay stubs
- * Computer print-outs from the employer
- * Signed letters (provided that the information is confirmed by phone)
- * Other documents noted in this Chapter as acceptable verification

The HA will accept faxed documents.

The HA will not accept photo copies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the HA will utilize the third party verification.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement/affidavit/certification/statement under penalty of perjury and must be witnessed.

B. RELEASE OF INFORMATION

The family will be required to sign specific authorization forms when information is needed that is not covered by the form HUD-9886, Authorization for Release of Information.

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the HA or HUD.

C. COMPUTER MATCHING

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

D. ITEMS TO BE VERIFIED

All income not specifically excluded by the regulations.

Zero-income status of household.

Full-time student status including High School students who are age 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Child care expense where it allows an adult family member to be employed or to further his/her education.

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus which allow an adult family member to be employed.

Identity

U.S. citizenship/eligible immigrant status.

Social Security Numbers for all family members 6 years of age or older.

"Preference" status, based upon Local preferences.

"Displacement" status of single applicants who are involuntarily displaced through no fault of their own.

Familial/Marital status when needed for head or spouse definition.

Disability for determination of preferences, allowances or deductions.

E. VERIFICATION OF INCOME

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

The Housing Authority will use electronic means of verification where applicable. This includes but is not limited to the use of HUD's Upfront Income Verification (UIV) and Tenant Assessment Sub System (TASS). Other electronic verification systems will be used when available.

Employment Income

Verification forms request the employer to specify the:

Dates of employment

Amount and frequency of pay

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Year-to-date earnings

Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

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

In cases where there are questions about the validity of information provided by the family, the HA will require the most recent federal income tax statements.

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

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. Computer report electronically obtained or in hard copy.
4. Bank statements for direct deposits.

Third party verification of SS/SSI benefits of applicants and household members is not available. PHAs should request a current (dated within the last 60 days) SSA benefit verification letter for each household member that receives social security benefits. If the applicant and/or household member are unable to provide the requested document, ask the applicant/household member to call SSA at 1-800-772-1213 to request a benefit verification letter. The request for a benefit verification letter can also be made at the SSA Internet Website at www.ssa.gov. From the front page of the website (Social Security Online), click on *Already receiving* benefits, which is located in the center column of the page. From the right side of the page under *Things You Can Do Online*, click on *Get a "Proof of Income Letter."* Follow the instructions on the page to complete the request for a benefit verification letter. The applicant/household member should provide the POA with the original benefit verification letter. The POA should make a photocopy of the original benefit verification letter, return the original benefit verification letter to the applicant/household member, and maintain the photocopy of the benefit verification letter in the tenant file.

Unemployment Compensation

Acceptable methods of verification include, in this order:

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

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

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

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. Computerized official printout of payments made if through a state agency.
3. A (notarized) letter from the person paying the support.
4. Copy of latest check and/or payment stubs from Court Trustee. HA must record the date, amount, and number of the check.
5. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
6. If payments are irregular, the family must provide:
 - A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.
 - A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
 - A welfare notice of action showing amounts received by the welfare agency for child support.
 - A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

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

Acceptable methods of verification include:

1. IRS Form 1040, including:
 - Schedule C (Small Business)
 - Schedule E (Rental Property Income)
 - Schedule F (Farm Income)
2. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
3. Audited or unaudited financial statement(s) of the business.
4. Third party verification forms for each customer/contract indicating the amounts of income received in a specified time period.

Expenses for rent and utilities will not be allowed for operations or businesses based in the subsidized unit, as these expenses are a required family contribution in the Section 8 program and are calculated based upon the family's income.

Child Care Business

If an applicant/participant is operating a licensed day care business, income and expenses will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the HA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

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

Recurring Gifts

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

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

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, AFDC, SSI, etc. are not being received by the household.

The HA will request information from the State Employment Development Department.

The HA may check records of other departments in the jurisdiction that have information about income sources of customers.

The HA may conduct interviews at the homes of participants who claim they have zero income and they may be asked to complete a "Zero Income Checklist".

The HA will conduct a credit check with a credit reporting company for clients who have reported “zero” income for more than 3 months

Full-Time Student Status

Only the first \$480 of the earned income of full time students (including those who are temporarily absent), other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is not counted towards family income.

Verification of full time student status includes:

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

The FRHA reserves the right to investigate all discrepancies between the amount of income reported and amounts provided by third party verifications and other sources. Any discrepancies found may be subject to the sections of this plan regarding Fraud and/or

F. INCOME FROM ASSETS

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or HA verification forms completed by the financial institution. For checking/savings accounts as well as CD’s and bonds under \$2,000 the value and interest may be estimated using the hand carried statements without third party verification.
2. Broker’s statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker’s verification. Dividends under \$200 as well as values under \$2,000 may be estimated using the hand carried verifications.
3. IRS Form 1099 from the financial institution, provided that the HA must adjust the information to project earnings expected for the next 12 months.

Cash value of life insurance policies

1. Letter from insurance company. Current Statement. For cash values under \$2,000 the hand carried documentation is sufficient. (1)

Interest Income from Mortgages or Similar Arrangements

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)

2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

1. IRS Form 1040 with Schedule E (Rental Income).

2. Copies of latest rent receipts, leases, or other documentation of rent amounts.

3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

G. VERIFICATION OF ASSETS

Family Assets

The HA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

1. Verification forms, letters, or documents from a financial institution or broker.

2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

3. Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.

4. Real estate tax statements if the approximate current market value can be deduced from assessment.

5. Financial statements for business assets.

6. Copies of closing documents showing the selling price and the distribution of the sales proceeds.

7. Appraisals of personal property held as an investment.

Assets disposed of for Less than Fair Market Value (FMV) during two years preceding effective date of certification or recertification:

1. For all Certifications and Recertifications, the HA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

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

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

1. Written verification from the person who receives the payments is required. If the child care provider is an individual, he/she must provide a statement of the amount they are charging the family for their services and whether any of the amounts owed have been or will be paid by sources outside the family.
2. Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

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

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration's written of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
 - a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
 - b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. HA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

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

Assistance to Persons with Disabilities

1. In All Cases:

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

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

2. Attendant Care:

(a) Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

(b) Certification of family and attendant and/or copies of canceled checks family used to make payments.

3. Auxiliary Apparatus:

(a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

(b) In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the HA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Hospital records

All adult family members will be required to submit a valid photo identification where it is available. If no photo is available the adult member must sign an affidavit attesting to the fact that they do not have a valid photographic identification.

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

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

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

Familial Relationships

The following verifications may be required if applicable:

- * Verification of relationship:
 - * Official identification showing names
 - * Birth Certificates
 - * Baptismal certificates

- * Verification of guardianship:
 - * Court-ordered assignment
 - * Verification from social services agency
 - * School records
 - * Affidavit of parent

- * Evidence of a stable family relationship:
 - * Joint bank accounts or other shared financial transactions
 - * Leases or other evidence of prior cohabitation
 - * Credit reports showing relationship

Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the HA may require one or more of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.

6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

7. A notarized statement by the adult member of the household removing him/herself from the lease and Section 8 household and providing a forwarding address and effective date of the move.

Verification of Change in Family Composition

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

Verification of Disability

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

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the HA hearing is pending.

(a) Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

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

(c) Noncitizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The HA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the HA must request within ten days that the INS conduct a manual search.

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

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

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

Time of Verification. For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed

for any covered program, it need not be repeated except that, in the case of port-in families, if the initial HA does not supply the documents, the HA must conduct the determination.

Extensions of Time to Provide Documents. Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. The HA will generally allow up to 30 days to provide the document or a receipt issued by the INS for issuance of replacement documents.

Acceptable Documents of Eligible Immigration. The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (**I-551**)

Arrival-Departure Record (I-94)

Temporary Resident Card (I-688)

Employment Authorization Card (I-688B)

Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

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

Chapter 8

VOUCHER ISSUANCE AND BRIEFINGS

INTRODUCTION

The HA's objectives are to assure that families selected to participate are successful in obtaining an acceptable housing unit, and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families have been determined to be eligible, the HA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, HA procedures, and how to lease a unit. The family will also receive a briefing packet which provides more detailed information about the program. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF VOUCHERS [24 CFR 982.204 (d), 982.54 (d) (3)]

When funding is available, the HA will issue Vouchers to applicants whose eligibility has been determined. The issuance of Vouchers must be within the dollar limitations set by the ACC budget.

The number of Vouchers issued must ensure that the HA stays as close as possible to 100% lease-up. The HA performs a calculation to determine whether applications can be processed, the number of Vouchers that can be issued, and to what extent the HA can over-issue.

The HA may over-issue Vouchers only to the extent necessary to meet leasing goals. All Vouchers which are over-issued must be honored. If the HA finds it is over-leased, it must adjust future issuance of Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups or individual meetings. Families who attend group briefings and still have the need for individual assistance will be referred to the Section 8 Housing Specialist or Program Director.

Briefings for the Voucher Program will be conducted in English.

The purpose of the briefing is to explain the documents in the Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The HA will not issue a Voucher to a family unless the household representative has attended a briefing and signed the Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend scheduled briefings, without prior notification and approval of the HA, may be denied admission based on failure to supply information needed for certification. The HA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet

The documents and information provided in the briefing packets for both the Voucher programs will comply with all HUD requirements. The HA also includes other information and/or materials which are not required by HUD.

The family is provided with the following information and materials:

1. The term of the voucher, and the HA policy for requesting extensions to the term of the voucher or suspensions of the voucher.
2. A description of the method used to calculate the assistance payment, payment standards (voucher program), and utility allowances.
3. How the maximum allowable rent is determined, including the rent reasonableness standard.
4. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, energy efficiency, and security.
5. The boundaries of the geographical area in which the family may lease a unit including an explanation of portability.
6. HUD tenancy addendum.
7. The Request for Lease Approval form, landlord certification, and a description of the procedure for requesting approval for a unit.
8. The HA policy on providing information about families to prospective owners.
9. The Subsidy Standards, when and how exceptions are made and how the voucher size relates to the unit size selected.
10. The HUD brochure, "A Good Place to Live" on how to select a unit that complies with HQS.
11. The HUD brochure on lead-based paint and information about where blood level testing is available.
12. Information on Federal, State and local equal opportunity laws including the pamphlet "Fair Housing: It's Your Right" and the form for reporting suspected discrimination.
13. A list of landlords or other parties willing to lease to assisted families or help in the search and/or known units available for the size voucher issued.
14. If the family includes a person with disabilities, notice that the HA will provide a list of available accessible units known to the HA.
15. The Family Obligations under the program.
16. The grounds for termination of assistance because of family action or failure to act.
17. When the HA is required to offer an informal hearing, how to request the hearing, and the hearing procedures.

Other Information to be Provided at the Briefing

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the HA, and the HA and the owner.

The briefing presentation emphasizes:

Family and owner responsibilities

Where a family may lease a unit inside and outside its jurisdiction

How portability works for families eligible to exercise portability

Advantages to moving to area with low concentration of poor families if family is living in a high poverty census tract in the HA's jurisdiction

The Family Self Sufficiency program and its advantages.

If the family includes a person with disabilities, the HA will ensure compliance with CFR 8.6 to ensure effective communication.

Owner Briefing

* Briefings are held for owners as deemed necessary. All owners receive a mailed invitation. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the HA will provide assistance to families who wish to do so.

The assistance provided to such families includes:

Direct contact with landlords.

Counseling with the family.

Providing information about services in various non-impacted areas.

Meeting with neighborhood groups to promote understanding.

Formal or informal discussions with landlord groups

Formal or informal discussions with social service agencies

Meeting with rental referral companies or agencies

Meeting with fair housing groups or agencies

The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low income households. The lists of units will be provided at the front desk and at briefings.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

Fair Housing Laws

In compliance with Section 147 of the National Affordable Housing Act, no owner who has entered into a contract for housing assistance payments under this section on behalf of any tenant in a multifamily building (more than four

units) shall refuse to lease any available dwelling unit in any multifamily building owned by the same owner to a Voucher holder solely because of their status as a Voucher holder.

The HA provides the family with the HUD discrimination complaint form and directs the family to report suspected discrimination to HUD. If HUD Fair Housing makes a finding of discrimination against an owner, the HA may restrict the owner from future participation.

Take One - Take All: In compliance with Section 174 of the National Affordable Housing Act, if an owner who already has a unit in any multifamily building (more than four units) denies a Voucher holder admission to any multifamily building solely on the basis of their status as a Voucher holder, the owner will be reported to HUD Fair Housing Complaints Office and barred from future participation.

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER [24 CFR 982.303, 982.54(2)]

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

Expirations

For new Voucher holders (never had a voucher before) the voucher will be effective for sixty (60) calendar days from the date of issuance. For all others the Voucher is valid for a period of one hundred twenty (120) calendar days from the date of issuance. The family must submit a Request for Lease Approval and Lease within these time frames unless an extension has been granted by the HA.

If the Voucher has expired, and has not been extended by the HA or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Suspensions

When a Request for Lease Approval is received, the HA will not deduct the number of days required to process the request from the 60 day term of the voucher.

Extensions

The HA may grant extensions to vouchers.

A family may request an extension of the Voucher time period. All requests for extensions must be received in writing prior to the expiration date of the Voucher.

Extensions are permissible at the discretion of the HA up to a maximum term of 180 days, primarily for these reasons:

Extenuating circumstances such as hospitalization or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial sixty- day period. Verification is required.

The HA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the HA, throughout the initial sixty-day period. A completed search record is required.

The family was prevented from finding a unit due to disability accessibility requirements or large size (four bedroom or larger) unit requirement. The Search Record is part of the required verification.

The HA policy is to extend the vouchers for 60 days where a reasonable need exists. We will consider requests approvable unless we have legitimate reasons for not granting the extension. Additional extensions may be granted by the Section 8 Program Director, if in his opinion further extensions are appropriate.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the HA Office to request assistance. Voucher holders will be notified at their briefing session that the HA periodically updates the listing of available units and how the updated list may be obtained.

The HA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

If a building has been condemned by an official government agency the FRHA will issue a voucher to the client for no more than 60 days with no extensions

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the HA shall consider the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the Voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.
6. Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the HA will terminate assistance on the basis of failure to provide information necessary for a recertification.

Where the breakup of the family also results in a reduction of the size of the voucher, the family will be required to move to a smaller unit if the current landlord is unwilling to accept the rent level of the smaller sized voucher.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER

To be considered the remaining member of the tenant family, the person must have been previously approved by the HA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The HA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the voucher size.

It is not the intent of Section H to allow the transfer of subsidy to another person but to preserve the family unit and its ability to remain subsidized. The FRHA may at its discretion refuse to allow remaining member status when it determines that the intent is not in accordance with these sections. In no event may a person in the unit for less 1 year be entitled to receive remaining family member status.

Chapter 9

REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

INTRODUCTION [24 CFR 982.305 (a)]

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

A. REQUEST FOR LEASE APPROVAL [24 CFR 982.305 (b)]

The Request for Lease Approval (RFLA) and a copy of the proposed Lease must be submitted by the family during the term of the voucher.

The Request for Lease Approval must be signed by both the owner and Voucher holder. The lease may be executed up to 60 days prior to contract execution but cannot be executed without approval of the HA.

The HA will not permit the family to submit more than one RFLA at a time.

The HA will review the documents to determine whether or not they are approvable.

The Request will be approved if:

1. The unit is an eligible type of housing
2. The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)
3. The rent is reasonable
4. The security deposit amount is approvable.
5. The proposed lease complies with HUD and HA requirements, and State and local law
6. The owner is approvable, and there are no conflicts of interest.

Disapproval of RFLA

If the HA determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The HA will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given five calendar days to submit an approvable RFLA from the date of disapproval.

When, for any reason, an RFLA is not approved, the HA will furnish another RFLA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

The time limit on the Voucher will not be suspended while the RFLA is being processed.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.352, 982.54(d)(16)]

The HA will approve any of the following types of housing in the Voucher programs:

All structure types can be utilized.

Manufactured homes where the tenant leases the mobile home and the pad.

Independent Group Residences

A family may lease in and have an interest in a cooperative housing development. Families may lease properties owned by relatives, as long as those owners and units meet the other program requirements.

The HA may not permit a Voucher holder to lease a unit which is receiving Project- Based Section 8 assistance or any duplicative rental subsidies.

The HA will not approve:

A unit occupied by the owner or by any person with an interest in the unit, other than manufactured homes described above.

Nursing homes or other institutions that provide care.

School dormitories and institutional housing.

A unit owned by the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the HA has determined (and 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.

Any other types of housing prohibited by HUD.

C. LEASE REVIEW [24 CFR 982.308]

The HA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and State/local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the Request For Lease Approval.

Owners may either submit their own lease or permit the HA to furnish the lease. In cases where the owner's lease is used, the HUD lease addendum must be attached and executed.

The HA will encourage owners to use a sample lease provided by the HA which includes the HUD-mandated language.

Separate Agreements

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the HA.

Any appliances, services or other items which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

The HA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the HA. If agreements are entered into at a later date, they must be approved by the HA and attached to the lease.

The HA will not approve separate agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling.

If the owner makes modifications to the unit, the costs should be recovered through the rent collected, not by having the tenant pay for the modifications. Exception would be considered if the modifications are such that they most likely would be removed if the tenant moved out.

D. INITIAL INSPECTIONS [24 CFR 982.305 (a) & (b)]

See Chapter 10, "Housing Quality Standards and Inspections." The unit must pass inspection by the 20th day of the month prior to lease-up in order for a contract to be executed for the next month.

E. RENT LIMITATIONS [24 CFR 882.106 (a)]

Exception Rents will be utilized to:

- Expand housing opportunities for families to move from poverty-impacted areas.
- Make accessible units available to persons with disabilities.
- Increase the housing choices available to low-income families.

Rent reasonableness will still be used as a measure of whether the rent is approvable.

The HA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

F. DISAPPROVAL OF PROPOSED RENT

If the owner accepts the offer of a revised rent, the HA will continue processing the Request for Lease Approval and Lease. If the revised rent involves a change in the provision of utilities, a new Request for Lease Approval must be submitted by the owner.

If the owner does not agree on the Contract Rent after the HA has tried and failed to negotiate a revised rent, the HA will inform the family and owner that the lease is disapproved.

G. INFORMATION TO OWNERS [24 CFR 982.307 (b), 982.54 (d) (7)]

The HA is required to provide prospective owners with the address of the applicant and the names and addresses of the current and previous landlord if known. The HA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection. The HA may release information regarding tenancy history in the HA's possession upon written request by the family which indicates to whom the information may be given.

The HA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

The HA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

H. OWNER DISAPPROVAL [24 CFR 982.306]

For purposes of this section, "owner" includes a principal or other interested party.

The HA may disapprove the owner for the following reasons:

HUD has informed the HA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed the HA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.

HUD has informed the HA that a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

The owner has engaged in drug trafficking.

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.

The owner has a history or practice of renting units that fail to meet State or local housing codes.

The owner has not paid State or local real estate taxes, fines or assessments.

II. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP contract, the information will be verified and the TTP will be recalculated. If the family does not report any change, the HA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

J. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

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

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

The HA provides group briefings for new owners and any other owners who wish to attend on an as needed basis.

The HA makes every effort to execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security Number, and may also be required to provide a copy of their driver's license or other photo identification.

The owner must provide a business or home telephone number at which he/she may be reached during regular business hours.

K. CHANGE IN OWNERSHIP

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

The HA will process a change of ownership only upon the written request of the previous or new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.

The new owner will be required to complete and sign the Transfer of Contract form indicating the effective date of the transfer of payments, to whom, and the new owner's agreement to be in compliance with the terms of the Lease and Contract as written. The new owner is required to complete and sign the transfer of contract in a timely manner, usually within 60 days of closing on the property. Failure to do so may void their entitlement to retroactive HAP payments.

Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

INTRODUCTION

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

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

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401 (a), 982.405]

The HA has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.

All units must meet the minimum standards set forth in the Section 2 of the state sanitary code when applicable. In cases of hazardous situations where inconsistency between the Code and these HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service when the unit is inspected.

The stove and refrigerator must be present when the unit is inspected if the appliances are provided by the owner..

There are five types of inspections the HA will perform:

1. Initial/Move-in: Conducted upon receipt of Request For Lease Approval.
2. Annual: Must be conducted within 12 months of the anniversary date
3. Special/Complaint: At request of owner, family or an agency or third-party.
4. Quality Control: A quality control inspection will be conducted for five percent of all units which have been inspected

B. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401(a)]

The HA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet and local codes with the additions described below.

Local Codes

Ground Fault Interrupter (GFI) outlets must be installed if near the kitchen sink or bathroom wash basin. All outlets must be grounded.

Second means of egress on the 1st floor according to the City of Fall River Building Codes.

Additions to HQS:

Pest Control:

In apartments that have had pest control issues in the past the FRHA may require certification from a licensed/certified pest control company that the unit is free fro infestation.

Walls:

In areas where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired or replaced.

All walls in a tub or shower area must be covered with ceramic tile or other material that is impervious to water to prevent water damage and eventual deterioration.

Windows:

All window sashes must be in good condition, solid and intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.

Windows must be weather stripped as needed to ensure a watertight seal.

All openable windows must have screens that fit properly and be in good condition.

Doors:

All exterior doors (including entrance to apartment) must be solid core and weather tight to avoid any air or water infiltration, have no holes, have all trim intact, and have a threshold.

All interior doors must have no holes, have all trim intact, and be openable without the use of a key.

Floors:

All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be re-secured and made level. If they cannot be leveled, they must be replaced.

All floors must be in a finished state (no plywood).

Sinks:

All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

Security:

If window security bars or security screens are present on emergency exit window, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

Tenants will be instructed not to tamper with smoke detectors or remove batteries. Tenants will also be responsible for maintaining working batteries in smoke detectors at all times.

Bedrooms:

Bedrooms in basements or attics are not allowed unless they meet local code requirements and must have adequate ventilation and emergency exit capability.

Modifications.

Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.

Basement Apartments:

Building with basement apartments will not be allowed unless owner can document that it meets local code requirements. This applies even if that apartment is not the unit to be subsidized.

Extension for repair items not required by HQS will be granted for modifications/adaptations to the unit if agreed to by the tenant and landlord. HA will allow execution of the HAP contract if unit meets all requirements and the modifications do not affect the livability of the unit.

C. INSPECTIONS

The HA conducts an inspection in accordance with Housing Quality Standards at least *bi-annually*, up to 120 days prior to the anniversary month of the contract. Special inspections may be scheduled between anniversary dates *and if chronic problems persist with certain addresses or landlords there may be an annual inspection conducted. If a building is part of another federal program and unit inspections are conducted by another agency the HA may use the certification from that agency as the bi-annual inspection*”.

The procedure on conducting bi-annual inspections is as follows: 1st year is by street names starting with letters of the alphabet A-ME. The 2nd year will be by street names starting with the alphabet MI-Z and would continue in an alternating manner thereafter.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible. The family is only responsible for breaches of HQS which are caused by:

Non-payment of utilities paid by the family,

Not providing, or failing to maintain, appliances not provided by the owner, and

Damages to the unit or premises caused by a household member or guest beyond normal wear and tear.

The family must allow the HA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections will be conducted on business days only.

Reasonable hours to conduct an inspection are between 9:00 a.m. and 4:00 p.m.

The HA will notify the family in writing at least three days prior to the inspection.

Initial Inspection: The owner is notified of the date and time of the inspection appointment by phone. The HA will attempt to inspect the unit within 14 days of the request. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within five days of the scheduled appointment.

If the family does not contact the HA to reschedule the inspection, or if the family misses two inspection appointments, the HA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Reinspection: The family and owner are mailed a notice of the inspection appointment by mail. If the family is not at home for the Reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The FRHA reserves the right to accept an owner's certification, a receipt from a vendor, a photo of the repair or tenant confirmation that the required repairs are complete and then verify that action on the next site inspection.

The family is also notified that it is a Family Obligation to allow the HA to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 15, "Denial or Termination of Assistance," they will be advised of their responsibility to correct.

Time Standards for Repairs

1. Emergency items which endanger the family's health or safety must be corrected within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs or weather deferred items, the Section 8 Program Director may approve an extension beyond 30 days.

D. EMERGENCY REPAIR ITEMS [24 CFR 982.401 (a)]

The following items are considered to be of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector. This is not meant to be an exclusive list, and other items may constitute an emergency at the discretion of the Inspector if they appear to present an immediate threat to the health or safety of the family.

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No heat when outside temperature is below 40° F. and temperature inside unit is below 65° F
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of functioning toilet
- Other items that are, in the opinion of the FRHA, health or safety issues

The HA may give a short extension (not more than 24 additional hours) whenever the responsible party cannot be notified or it is impossible to effect the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to effect the repair, proper authorities will be notified by the HA.

If the emergency repair item(s) are not corrected in the time period required by the HA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the HA, and it is an HQS breach which is a family obligation, the HA will terminate the assistance to the family and the owner's payment will not be abated for the breach of HQS.

E. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the HA, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner, and the full amount of assistance will be abated effective on the first of the month following such a notice.

If the owner makes repairs during the abatement period, payment will resume on the first of the month following the unit passing inspection.

The family and owner will be notified of the Reinspection date.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the HA's portion of rent that is abated.

Extensions

The HA may grant an extension in lieu of abatement in the following cases:

There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.

The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to exceed 60 days. At the end of that time, the HA will begin the abatement or termination of assistance for tenant caused damage.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abated rental period, the owner will be sent a HAP Contract Proposed Termination notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the HA if the tenant chooses to remain in the unit. Only one Housing Quality Standards inspection will be conducted after the termination notice is issued.

F. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain deficiencies are considered the responsibility of the family:

Tenant-paid utilities not in service.

Failure to provide or maintain family-supplied appliances

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

"Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The HA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection. The owner or tenant may appeal this determination to a mediator within ten days of the inspection.

If the family is responsible but the owner carries out the repairs, the owner must bill the family for the cost of the repairs and the family's file will be noted.

G. CONSEQUENCES IF FAMILY IS RESPONSIBLE

If non-emergency violations of HQS are determined to be the responsibility of the family, the HA will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, the HA will terminate assistance to the family. Extensions in these cases must be approved by the Section 8 Program Director. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

H. INITIAL HQS INSPECTION

The Initial Inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this Plan.

Document the current condition of the unit as a basis to evaluate whether the future condition of the unit exceeds normal wear and tear.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the family and owner will be advised to notify the HA once repairs are completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done. The FRHA may accept the Landlords verification that the items have been corrected if the FRHA feels that the item is relatively minor.

The owner will be allowed up to two reinspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

In order for a HAP Contract to be executed for the first of a given month, the unit must pass inspection by the 27th of the preceding month. This is to allow time for preparation of lease and contract paperwork, as well as preparation of an owner HAP check for the new contract.

I. ANNUAL HQS INSPECTION

Rent Increases

The HA will conduct an inspection using the Housing Quality Standards and other standards approved in this Administrative Plan at least annually, prior to the anniversary month of the contract. Rent increase requests in the Voucher program will not be approved if the unit is in a failed condition.

J. SPECIAL/COMPLAINT INSPECTIONS

If at any time the family or owner notifies the HA that the unit does not meet Housing Quality Standards, the HA will conduct an inspection.

The HA may also conduct a special inspection based on information from third parties such as neighbors or public officials. The HA will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the anniversary date is within 120 days of a special inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

K. QUALITY CONTROL INSPECTIONS

Quality Control inspections will be performed by the Section 8 Program Director on at least five percent of the units of each inspector. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

INTRODUCTION

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

A. OWNER PAYMENT

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

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

The Housing Assistance Payment to the owner is the lesser of the subsidy described above or the rent charged by the owner.

B. MAKING PAYMENTS TO OWNERS

Once the HAP Contract is executed, the HA begins processing payments to the landlord. The effective date and the amount of the HA payment is communicated in writing to both the landlord and family. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made manually to the HAP Register for the following month. Checks are disbursed by the Program Director to the owner each month.

Payments to Landlords will be made through electronic transfers to a savings/checking account of the landlord. These funds will be transferred on or before the 5th working day of the month.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

Rent reasonableness determinations are made when units are placed under HAP Contract for the first time, when owners request annual and when an owner requests a rent increase for in the Voucher Program.

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

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

At least three comparable units will be used for each rent determination, one of which must be from the first category above if possible. All comparables must be based on the rent that the unit would command if leased in the current market. Leased in the current market means that the unit has been leased within the last year.

The data for other unassisted units will be gathered primarily from the software "Go Section 8.Com". Also, we may use newspapers, realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness are subdivisions or neighborhoods within the HA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Square Footage
- Number of Bedrooms
- Facilities
- Location
- Number of Bathrooms
- Quality
- Amenities
- Date Built
- Unit Type
- Management and Maintenance Services

The HA will use databases that will give current information regarding what the private (unassisted) market is receiving for rent. The information in these databases will not be more than 12 months old.

The HA uses an "appraisal" method and tests the subject unit against selected units in the same area with similar characteristics. Adjustments are made for favorable and unfavorable differences between the subject unit and the comparables. Location, amenities, services, and facilities are given dollar values.

**D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM
[24 CFR 982.503]**

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

The Fall River Housing Authority will use the applicable Payment Standard for other cities in Massachusetts but outside the Fall River area when they are readily available.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families' rents affordable. The HA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the HA raise Standards if the need is solely to make "high end" units available to Voucher holders.

The HA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and this policy and if an increase is warranted, the payment standard will be adjusted within 90% to 110% of the current Fair Market Rent.

In a volatile market, the HA may review the Standards more frequently but will only adjust them annually.

The HA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

The HA will review reports showing the percent of income used for rent by Voucher families to determine the extent to which the rent burden is more than 45% of income.

Availability of Suitable Vacant Units Below the Payment Standard

The HA will review its rent reasonableness database and vacancy rate data to determine whether there is an ample supply of vacant units in areas without minority concentration or poverty- impacted below the Payment Standard.

Quality of Units Selected

The HA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

HA Decision Point

The HA will review the quality and size of units where the Rents to Owner are above the Payment Standard by more than 25%. If more than 50% of families have selected above-average units or have selected larger units than the Voucher size, the HA may elect not to increase the Payment Standard or continue the analysis.

If the analysis continues, the HA will divide those rents between contracts within the first year and after the first year. If the Rents to Owner are more than 25% above the average, in any bedroom size, the HA will continue the analysis. If not, the HA may elect not to increase the Payment Standard for certain bedroom sizes.

Rent to Owner Increases

The HA may review a sample of the units to determine how often owners are increasing rents after the first year of the lease and the average percent of increase by bedroom size. The sample will be divided into units with and without the highest cost utility included.

A comparison will then be made to the applicable annual adjustment factor to determine whether owner increases are excessive in relation to the published annual adjustment factor.

Time to Locate Housing

The HA may consider the average time period for families to lease up under the Voucher program as compared to the Certificate program. If the average for Voucher holders exceeds that for Certificate holders by 50%, the Payment Standard may be adjusted.

Rent Reasonableness Data Base/Average Contract Rents

The HA will compare the Payment Standards to average rents in its Rent Reasonableness Data Base and to the average Contract Rents by unit size. The Payment Standards should not exceed these amounts by more than 10%.

Lowering of the Payment Standard

Statistical analysis may reveal the Payment Standard should be lowered, in which case, the Payment Standard should not be less than 80% of the current FMR. If the FMR is lowered, the Payment Standard may not exceed the FMR

except in those cases where families are held harmless until they move to a different dwelling unit or have a change in family composition which would affect their Voucher size.

Financial Feasibility

Before increasing the Payment Standard, the HA may review the budget and the project reserve, to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the HA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by the HA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. RENT ADJUSTMENTS [24 CFR 982.519]

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

With a sixty-day notice on the HA-provided form (in triplicate), a copy should be provided to the family with the original to the HA. The HA will advise the family as to whether the rent is reasonable and shall approve or disapprove the rent increase.

Chapter 12

RECERTIFICATIONS

INTRODUCTION

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

A. ANNUAL ACTIVITIES [24 CFR 982.405, 982.516, 982.519]

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

1. Recertification of Income and Family Composition
2. HQS Inspection
3. Contract Rent Adjustment when requested by Owner

The HA produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Section 8 Housing Specialist.

Annual activities for contracts that did not commence on the first of the month must be conducted no later than the first of the month in which the lease was effective.

Annual inspections: See Chapter 10, "Housing Quality Standards and Inspections"

Rent Adjustments: See Chapter 11, "Owner Rents, Rent Reasonableness and Payment Standards"

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

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

The FRHA may opt to conduct the above reexams when 100% of the family's income consists of fixed income. In the streamlined reexam, the FRHA will recalculate the family incomes by applying any published cost of living adjustments to the previously verified income amount.

For the above purpose "fixed income" includes income from:

- Social Security payments to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI).
- Federal, State, local, and private pensions plan and

-Other periodic payments received from annuities, insurance policies, retirement funds, disability or death payments, and other similar types of periodic receipts that are of substantially the same amount from year to year.

When families move to another dwelling unit:

An annual recertification will be scheduled (unless a recertification has occurred in the last 120 days) and the anniversary date will be changed.

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

Reexamination Notice to the Family

The HA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 120 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the HA will provide the notice in an accessible format. The HA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Procedure

The HA's procedure for conducting annual recertifications will be:

Schedule the date and time of appointments and mail a notification to the family.

Procedure for clients living within Massachusetts but not Fall River:

Person living outside Fall River but within Massachusetts will be required to attend interview unless there is a hardship. All documentations will then be submitted through the mail or other arrangements agreeable to the Fall River Housing Authority and the client.

Persons with Disabilities

Persons with disabilities, who are unable to come to the HA's office will be granted an accommodation of conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

The HA representative will interview the family and enter the information provided by the family on the recertification form.

The HA will require the family to complete a Personal Declaration Form at the recertification interviews.

Requirements to Attend

An adult household member must be present for the recertification interview:

If an adult member of the household is unable to attend the interview, the appointment will be rescheduled.

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment date up to the day of the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the HA, the HA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the HA will

Terminate assistance to the family, and offer them an informal hearing.

Exceptions to these policies may be made by the Section 8 Program Director if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Documents Required From the Family

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

Documents to support any preference claims
Documentation of income for all family members
Documentation of liquid and non-liquid assets
Documentation of any deductions/allowances
Personal Declaration Form completed and signed by adult family members

Verification of Information

The HA will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than 120 days old.

Tenant Rent Increases

If tenant rent increases, a thirty day notice is mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the 1st of the month following the change

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the HA.

C. REPORTING INTERIM CHANGES [24 CFR 982.516(c)]

HUD requires program participants to report all changes in household composition within 30 calendar days to the HA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HA approval prior to all other additions to the household.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Increases in Income. An interim reexamination will not be conducted unless a client's income increases by more than 10%. Participants are still required to inform the FRHA of any income changes to assure that the income has not increased by more than the 10% cap.

Interim Reexamination Policy

The HA will conduct interim reexaminations when families have an increase in income.

Families will be required to report all increases in income/assets of the all household members to the HA by scheduling and attending an interim reexamination interview within five business days of the occurrence or notification to the family of the change.

The family is required to report, by scheduling and attending an interim reexamination interview within five business days of the occurrence or notification to the family, any loss or reduction in items for allowances or deductions, including when a family member becomes eighteen years of age and no longer a minor in the household.

For families with zero income, reporting is required every 90 ninety days.

Decreases in Income

Participants may report a decrease in income and other changes which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The HA must calculate the change if a decrease in income is reported. For decreases in income the decrease must last for at least 30 consecutive days to be considered under this section.

HA Errors

If the HA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification.

D. NOTIFICATION OF RESULTS OF RECERTIFICATIONS

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by the HA. If the family disagrees with the rent adjustment they may request an informal hearing.

E. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

Standard for Timely Reporting of Changes

The HA requires that families report interim changes to the HA within thirty calendar days of when the family is notified or the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided within five business days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change is Reported in a Timely Manner

The HA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change occurred. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

An increase in tenant rent may be implemented based on documentation provided by the family, pending third-party written verification. However, any discrepancy between information provided by the family and that which is verified by third-party documentation will result in a retroactive calculation to the effective date of the change.

Procedures when the Change is Not Reported by the Tenant in a Timely Manner.

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement or make a lump sum payment.

Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the HA and not retroactively.

Procedures when the Change is Not Processed by the HA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the HA in a timely manner.

In this case, an increase will be effective after the required thirty days notice prior to the first of the month after completion of processing by the HA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

F. REPORTING OF CHANGES IN FAMILY COMPOSITION [982.516(c)]

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

Increases in Family Size

Increases other than by birth, adoption or court-awarded custody must have the prior approval of the owner and the HA.

If an addition would result in overcrowding according to Subsidy or HQS maximum occupancy standards:

The HA will issue a new Voucher of the appropriate size at the next regularly scheduled annual reexamination for additions to the family in the following cases:

- * Addition by marriage.
- * Addition due to birth, adoption or court-awarded custody of a minor.
- * Addition of an HA-approved live-in attendant.

G. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.508]

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

1. The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND
2. All members of the family other than the head, the spouse, parents of the head, parents of the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, the family may choose prorated assistance (See Chapter 6, "Factors Related to Total Tenant Payment Determination"), or the HA may offer temporary deferral of termination (See Chapter 15, "Denial or Termination of Assistance").

Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

INTRODUCTION

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

A. ALLOWABLE MOVES

A family may move to a new unit if:

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

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552]

Families will not be permitted to move within the HA's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside the HA's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

The HA will deny permission to move if there is insufficient funding for continued assistance. The HA may deny permission to move to if:

The family has violated a Family Obligation.

The family owes the HA money.

The family has moved or been issued a Voucher to move within the last twelve months.

The Section 8 Program Director may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

C. PROCEDURE FOR MOVES

Issuance of Voucher

If the family has not been recertified within the last 120 days, the HA will issue the voucher to move after conducting the recertification.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

The annual recertification date will be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and the HA proper written notice of any intent to move.

The family must give the owner a rental period (one full month) plus one day's written notice of intent to vacate or as otherwise specified in the lease and must give a copy to the HA simultaneously. The family may not give mid-month notices to terminate tenancy for other than the end date of the following rental period.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move, except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves, only if approved by the Section 8 Program Director.

D. PORTABILITY [24 CFR 982.353]

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

1. In the same state as the initial HA;
2. In the same metropolitan statistical area (MSA) as the initial HA, but in a different state;
3. In an MSA adjacent to the MSA of the initial HA, but in a different state.
4. In the jurisdiction of an HA anywhere within the United States that administers a tenant based program.
5. All families will receive an explanation on how portability works in the Briefing session explaining to them the benefits of living in low-poverty census tracts and not just to those who currently live in a higher-poverty area.
6. The PHA must notify the HUD field Office within 10 business days of denying a move under portability due to insufficient funding.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

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

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

The HA may choose a management company, another HA or a private contractor to administer the assistance.

If there is more than one HA in the area in which the family has selected a unit, the family may select the RHA and may seek assistance from the IHA in making its selection.

Restrictions on Portability

1. Families will not be permitted to exercise portability during the initial 12 month period after admission to the program. For purposes of this section the Authority's jurisdiction shall be considered to be the Commonwealth of Massachusetts.
2. If the family is in violation of a family obligation.
3. If the family owes money to the HA.

Outgoing Portability Procedures

The HA will provide pre-portability counseling for those families who express an interest in portability. If the receiving HA will absorb and the family will be changing its form of assistance, the HA will determine if the family is within the low income limit of the receiving HA, and advise the family accordingly.

The HA will notify the Receiving HA that the family wishes to relocate into its jurisdiction.

The HA will advise the family how to contact and request assistance from the receiving HA.

The HA will notify the receiving HA that the family will be moving into its jurisdiction.

The HA will provide the following documents and information to the Receiving HA:

1. A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form and verifications.
3. The Family Portability Form.

The Receiving HA must notify the HA within 10 days of the following:

The Receiving HA decides to absorb the family into their own program.

The family leases up or fails to submit a Request for Lease Approval by the required date.

Assistance to a portable family is terminated by the Receiving HA.

The family requests to move to an area outside the Receiving HA's jurisdiction.

Payment to the Receiving HA

The HA will requisition funds from HUD based on the anticipated lease-ups of portable Vouchers in other HA's jurisdictions. Payments for families in other jurisdictions will be made to other HAs when billed or in accordance with other HUD approved procedures for payment.

When billed, the HA will reimburse the Receiving HA for 100% of the Housing Assistance Payment, 100% of the Special Claims paid on HAP contract effective prior to 10/2/95, and 80% of the Administrative Fee (at the initial HA's rate), and any other HUD-approved fees.

Claims

The HA will be responsible for collecting amounts owed by the family for claims paid and for monitoring the repayment. The HA will notify the Receiving HA if the family is in arrears or if the family has refused to sign a Repayment Agreement, and the Receiving HA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving HA's will be required to submit hearing determinations to the HA within 10 days.

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The HA will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portability" Voucher by the HA with the same start date. The voucher will expire 60 days after the original issuance date. The HA may grant extensions in accordance with this Administrative Plan.

Incoming portable families who have not yet been absorbed will be absorbed before the HA selects new applicants from the Waiting List.

The HA may absorb incoming Vouchers in cases where the Initial HA absorbs an equal number of the HA's outgoing Vouchers.

The HA will absorb all incoming portable families provided that there is funding available.

When the receiving HA does not absorb the incoming Voucher it will administer the Initial HA's Voucher and the receiving HA's policies will prevail.

The FRHA will lease up clients coming from another Housing Authority on the 1st of the month.

For initial lease-up, the family must be within the HA's Very-Low Income limits. For participants, the HA may issue either a Voucher but if the form of assistance changes, the family must be within the HA's Low Income limits. If the family is ineligible under the receiving HA's low income limit because the form of assistance offered causes the family to change programs, the receiving HA must absorb the family without a change in the form of assistance, or administer the family's current form of assistance.

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

The HA will decide whether to extend the "Portability Voucher" and for what period of time. The HA's policy on suspensions will apply as follows: it will begin when the family submits the RFTA and ends when the family is

notified in writing of the approval or the denial of the tenancy. However, if the Family decides not to lease-up in the HA's jurisdiction, the Family must request an extension from the Initial HA.

Income and TTP of Incoming Portables

As Receiving HA, the HA will conduct a recertification interview but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family's circumstances.

If the family's income exceeds the income limit of the HA, the family will not be denied assistance unless the family is an applicant (and over the Very-Low Income Limit).

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the HA's jurisdiction, the HA will refuse to enter into a contract on behalf of the family at \$0 assistance.

Requests for Lease Approval

When the Family submits a Request for Lease Approval, it will be processed using the HA's policies. If the Family does not submit a Request for Lease Approval or does not execute a lease, the Initial HA will be notified within 10 days by the HA.

If the Family leases up successfully, the HA will notify the Initial HA within 10 days, and the billing process will commence.

If the HA denies assistance to the family, the HA will notify the Initial HA within 10 days and the family will be offered a review or hearing.

The HA will notify the Family of its responsibility to contact the Initial HA if the Family wishes to move outside the HA's jurisdiction under continued portability.

Terminations

The HA will notify the Initial HA in writing of any termination of assistance within 10 days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the HA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial HA.

The Initial HA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial HA notifies the HA that the Family is in arrears or the Family has refused to sign a Repayment Agreement, the HA will terminate assistance to the family.

Required Documents

As Receiving HA, the HA will require the following documents from the Initial HA:

1. A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form and verifications.
3. Persons designated for inquiries on eligibility and billing (as indicated on the Family Portability Form).

4. The Administrative Fee Schedule for billing purposes.

5. In the rescreening process of a family the HA will perform a CORI on all adult family members. If the person is rejected due to the CORI it will notify them if the PHA proceeds with the lease up they may be terminated from the program.

Billing Procedures

As Receiving HA, the HA will bill the Initial HA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the Initial HA.

The HA will bill 100% of the Housing Assistance Payment and 80% of the Administrative Fee (at the Initial HA's rate) and any other HUD-approved fees, for each "Portability" Voucher leased as of the first day of the month.

The HA will notify the Initial HA of changes in subsidy amounts and will expect the Initial HA to notify the HA of changes in the Administrative Fee amount to be billed.

Chapter 14

CONTRACT TERMINATIONS

INTRODUCTION

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

A. CONTRACT TERMINATION

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and the HA may be terminated by the HA, or as a result of the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the HA to the owner after the month in which the Contract is terminated. The owner must reimburse the HA for any subsidies paid by the HA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the HA for vacancy loss under the provisions of Certificate contracts effective on or after October 2, 1995.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

If the voucher holder dies and there are no surviving household members the HAP payment will be made for the month in which the voucher dies and payments will cease at that point.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314 (c)(2)]

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The notice period to the landlord is determined by the lease, but may not exceed 60 days.

C. TERMINATION BY THE OWNER: EVICTIONS [24 CFR 982.310]

The owner may terminate tenancy without cause at the end of the initial lease term or at the end of any successive definite term. If the owner wishes to terminate the lease during any term, the owner is required to evict, using the notice procedures in the HUD regulations and State/local law. The owner must provide the HA with a copy of the eviction notice.

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

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

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

1. Serious or repeated violation of the terms and conditions of the lease,
2. Violation of Federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises,

3. Other good cause, including:

Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.

Any drug-related criminal activity on or near the premises,

Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.

4. Other good cause, after the first year of the lease, includes:

Business or economic reason for regaining possession of the unit;

Owner's desire to repossess the unit for personal use;

Tenant's refusal to accept offer of a new lease.

The eviction notice must specify the cause for the eviction.

The HA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for the HA termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the HA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant unless the family or owner are otherwise no longer eligible for payments to be made.

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

The HA must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant is eligible, continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from the HA, the owner certifies that the tenant is still in the unit and he/she is in compliance with the contract.

If the eviction is not due to a serious or repeated violation of the lease, and if the HA has no other grounds for termination of assistance, the HA will issue a new voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY HA [24 CFR 982.404 (a), 982.453, 982.455, 982.454, 982.552 (a)(3)]

The term of the HAP contract terminates when the lease terminates, when the HA terminates program assistance for the family, and when the owner has breached the HAP contract.

Any of the following actions will be considered a breach of contract by the owner:

1. The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit to HQS standards, including any standards the HA has adopted in this policy. The HAP contract will terminate 60 days after the last payment is made to the landlord for failure to maintain the unit to HQS standards.

2. The owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

3. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

4. The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

5. The owner has engaged in drug trafficking.

6. If the owner has committed any violent criminal activity

The HA may also terminate the contract if:

The HA terminates assistance to the family.

The family is required to move from a unit which is overcrowded.

Funding is no longer available under the ACC.

The contract will terminate automatically in the case of \$0 assistance families if 180 days have passed since the last housing assistance payment to the owner for post-10/2/95 contracts, and twelve months in the case of pre-10/2/95 contracts; this is provided that the contract terms are still being met during this period and that the contract is not otherwise subject to termination due to other causes.

Notice of Termination

The HA will provide the owner and family with at least thirty days written notice of termination of the contract.

E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS [24 CFR 5.514]

For families who were participants on June 19, 1995, terminations due to the ineligible immigration status of all members of the family, or because a "mixed" family chooses not to accept proration of assistance, may be temporarily deferred for intervals not to exceed six months (up to a maximum of three years) if necessary to permit the family additional time for transition to affordable housing.

The family will be notified in writing at least 60 days in advance of the expiration of the deferral period that termination of assistance will not be deferred because:

- a) Granting another deferral will result in an aggregate deferral period of longer than three years, or
- b) A determination has been made that other affordable housing is available.

F. TERMINATION DUE TO OWNER DISAPPROVAL [24 CFR 982.453]

If the HA terminates the contract due to owner disapproval (See Chapter 9, "Request for Lease Approval and Contract Execution"), the HA will provide the owner and family with at least thirty days written notice of termination of the contract.

Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE

INTRODUCTION

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

Grievances will end with the decision by the hearing officer at the Informal hearing.

A. GROUND FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

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

Form of Denial/Termination

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

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

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

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

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

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

1. If any member of the family fails to sign and submit HUD or HA required consent forms for obtaining information.
2. If no member of the family is a U.S. citizen or eligible immigrant.

3. If the family is under a post-10/2/95 contract and 180 days have elapsed, or under a pre-10/2/95 contract and twelve months have elapsed since the HA's last housing assistance payment was made.

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

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

1. The family violates any family obligation under the program as listed in 24 CFR 982.551. The family may be denied for a period not to exceed five years from the date of such activity or action resulting from such activity (such as termination of tenancy or assistance), whichever date is later, provided that no other cause for denial exists.

2. Any member of the family has ever engaged in serious or repeated lease violations while a resident of public housing or ever been evicted from public housing. The family may be denied for a period not to exceed five years from the date of such activity or action resulting from such activity (such as termination of tenancy or assistance), whichever date is later, provided that no other cause for denial exists.

3. The family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

4. The family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

5. The family breaches an agreement with an HA to pay amounts owed to an HA, or amounts paid to an owner by an HA.

6. The family has engaged in or threatened abusive or violent behavior toward HA personnel.

"Abusive or violent behavior towards HA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

* "Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for denial or termination.

7. The family supplies false, inaccurate or incomplete information on any application for federal housing programs, including public housing and Section 8. The family may be denied for a period not to exceed two years from the date of such a determination by the HA that information which was provided was false, inaccurate or incomplete, provided that no further cause for denial exists.

8. Any family member engages in drug-related or violent criminal activity.

Family Self Sufficiency (FSS)

Failure to fulfill the obligations and conditions of the FSS contract is grounds for denial or termination of assistance.

The HA will terminate the assistance for FSS families who fail to comply with the FSS Contract of Participation without good cause.

B. FAMILY OBLIGATIONS [24 CFR 982.551]

1. The family must supply any information that the HA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 812). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by the HA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers (as provided by 24 CFR part 750) and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.
4. All information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 982.404(b).
6. The family must allow the HA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violation of the lease.
8. The family must notify the owner and, at the same time, notify the HA before the family moves out of the unit or terminates the lease on notice to the owner.
9. The family must promptly give the HA a copy of any owner eviction notice.
10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
11. The composition of the assisted family residing in the unit must be approved by the HA. The family must promptly inform the HA of the birth, adoption or court-awarded custody of a child. The family must request HA approval to add any other family member as an occupant of the unit.
12. The family must promptly notify the HA if any family member no longer resides in the unit.
13. If the HA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or HA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the HA to verify that the family is living in the unit, or relating to family absence from the unit, including any HA-requested information or certification on the purposes of family absences. The family must cooperate with the HA for this purpose. The family must promptly notify the HA of absence from the unit.
18. The family must not own or have any interest in the unit.

19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs. Fraud is defined as the intentional misrepresentation of a material fact with the intention that the object of the misrepresentation rely on the representation, resulting in detriment to the party misled.
20. Alcohol abuse by household members. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. The members of the family may not engage in drug-related criminal activity or violent criminal activity.
21. Crime by household members. The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see Sec. 982.553).
22. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.
23. Tenants failing to pay the utilities for their apartment may be terminated for cause.

Housing Authority Discretion

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the HA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, the length of time since the violation occurred and more recent record of compliance, 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 HA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The HA may permit the other members of a family to continue in the program.

Enforcing Family Obligations

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within five working days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach: The inspector will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Section 8 Program Director.

Lease Violations: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance:

If the owner terminates tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of intention to terminate tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the HA determines that the cause is a serious or repeated violation of the lease based on available evidence.

If there are police reports, neighborhood complaints or other third party information, and the HA has verified the information. Lack of receipts or other proof of rent payments by the family may also be considered verification of lease violations.

Notification of Eviction: If the family requests assistance to move and they did not notify the HA of an eviction within five working days of receiving the Notice of Lease Termination, the move will be denied.

Proposed additions to the family (including live-in aides) may be denied based upon the same criteria applied to applicants and participants as described elsewhere in this Chapter. Additionally, proposed additions may be denied to persons who do not meet the HA's definition of family.

Family Member moves out: Adult family members are required to notify the HA within five working days if he/she leaves the assisted household. Failure to report this will constitute a violation on the part of the person removing him/herself. The remaining family contact the HA within five working days as well, to furnish the following information:

The date the family member moved out.

The new address, if known, of the family member.

A statement as to whether the family member is temporarily or permanently absent.

Related income, asset or deduction changes resulting from the member moving.

Limitation on Profit-making Activity in Unit:

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If the HA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a violation.

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

The FRHA will terminate assistance if any household member is currently engaged in any illegal use of a drug; or (B) A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. The FRHA will immediately terminate assistance for a family under the program if the FRHA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

The FRHA will terminate assistance if any household engages in Violent criminal activity or Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the FRHA (including a FRHA employee or a FRHA contractor, subcontractor or agent).

Mandatory termination of assistance if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In this screening of applicants, the PHA must perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided.

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Drug and violent crime and other related criminal activity means on or near the premises.

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any Family member. Violent criminal activity also includes activity which occurs within the family, such as during domestic disputes.

Activity may include arrests, convictions, no contest pleas, fines, city ordinance violations or other credible preponderance of evidence that such activity has occurred.

Ineligibility if Evicted for Drug-Related Activity

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for any waiting list preference status for a three-year period beginning on the date of such eviction.

The HA may waive this requirement if:

The person demonstrates successful completion of a rehabilitation program approved by the HA, or

The circumstances leading to the eviction no longer exist. For example, the individual involved in drugs is no longer in the household because the person is incarcerated.

Applicants will be denied assistance if they have been:

Convicted of drug-related or violent criminal activity until a period of three years have passed following the end of conviction/incarceration/parole/probation (whichever is later) with no further arrests or convictions (other than minor traffic violations).

Participants may be terminated who have been:

Arrested, convicted or whose tenancy is being terminated due to drug-related or violent criminal activity or whose activities have created a disturbance in the building or neighborhood.

If the family violates the lease for drug-related or violent criminal activity, the HA will terminate assistance.

In appropriate cases, the HA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the HA may consider individual circumstances with the advice of Juvenile Court officials.

Screening Out Illegal Drug Users and Alcohol Abusers

The HA will prohibit admission to any person in cases where the HA determines that there is reasonable cause to believe that the person is illegally using a controlled substance, or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. This includes cases where the HA determines that there is a pattern of illegal use of a controlled substance, or pattern of alcohol abuse.

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

The HA will waive this policy if the person demonstrates to the HA's satisfaction that the person is no longer engaging in the illegal use of a controlled substance or abuse of alcohol, and:

Has successfully completed a supervised drug or alcohol rehabilitation program;

Has otherwise been rehabilitated successfully; or

Is participating in a supervised drug or alcohol rehabilitation program.

Confidentiality of Criminal Records

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

Disclosure of Criminal Records to Family

The applicant or tenant will be provided with a copy of the criminal record upon request and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal review. Participants may contest such records at an informal hearing.

Required Evidence

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

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

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

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

Notice of Termination of Assistance

In any case where the HA decides to terminate assistance to the family, the HA must give the family written notice which states:

The reason(s) for the proposed termination,

The effective date of the proposed termination,

The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.

The date by which a request for an informal hearing must be received by the HA.

The HA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

C. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 982.552(b)(4)]

Termination due to Ineligible Immigrant Status

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

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Temporary Deferral of Termination of Assistance

Ineligible families who were participants as of June 19, 1995, may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

Temporary deferral of termination of assistance is also available to mixed families who were participants on June 19, 1995, who elect not to accept prorated assistance, and are not eligible for Continued Assistance. (See Chapter 14, "Contract Terminations.") The HA must allow the mixed family time to find housing for ineligible members or for the entire family by deferring the termination.

Mixed families who choose temporary deferral of termination of assistance may change to prorated assistance at the end of any deferral period, if they have made a good-faith effort to locate housing.

Criteria for Approving Temporary Deferral of Termination of Assistance

The HA will grant temporary deferral so long as the family makes reasonable efforts to find affordable housing.

Affordable housing is defined as housing that is standard, of appropriate size, and for which the rent plus utilities is no more than 25% greater than the HA calculated Total Tenant Payment.

To determine whether a family is eligible for temporary deferral of termination of assistance, or for a renewal of temporary deferral of termination of assistance, the HA will:

Calculate Total Tenant Payment plus 25% for the family, and compare this amount to the data in its rent reasonableness survey for the unit size. If the HA's data indicates that units are not available at the affordable rent, the deferral will be renewed.

Require a search record to document the family's efforts to locate housing before granting or extending temporary deferral of termination of assistance.

Length of Deferral

The initial temporary deferral is granted for an interval not to exceed six months. Additional deferrals can be made up to a maximum of three years. A notice is sent to the family at the beginning of each deferral period reminding them of their ineligibility for full assistance and their responsibility to seek other housing.

The family will be notified in writing sixty days before the end of the three year maximum deferral period that there cannot be another deferral, and will be offered the option of prorated assistance if they are a mixed family and have made a good-faith effort to locate affordable housing.

False or Incomplete Information

When the HA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the HA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The HA will then verify eligible status, deny, terminate, or prorated as applicable.

The HA will deny or terminate assistance based on the submission of false information or misrepresentations.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the HA either after the INS appeal or in lieu of the INS appeal.

After the HA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

D. ASSISTANCE TENANTS [24 CFR 982.455 (a)]

Old Contracts

For contracts which were effective prior to 10/2/95, the HA is liable for unpaid rent and damages if the family vacates while the contract is still in effect, for up to twelve months following the last HAP payment. The HA must perform all of the functions normally required, such as reexaminations and inspections. The participant will be notified of the right to remain on the program at \$0 assistance for 12 months. If the family is still in the unit after 12 months, the assistance will be terminated.

New Contracts

For contracts effective after 10/2/95, the HA has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If within the 180 day time frame an owner rent increase or a decrease in the Total Tenant Payment cause the family to be eligible for a housing assistance payment, the HA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

E. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552 (c)]

If the family has misrepresented any facts that caused the HA to overpay assistance, the HA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement, or reimburses the HA in full.

F. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

If the family willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the HA will deny or terminate assistance.

G. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the HA to fulfill its responsibilities. The HA schedules appointments and sets deadlines in order to obtain the required information. Failure to supply requested information will result in denial or termination of assistance. Examples of failing to supply requested information can include: failing to sign necessary documents, failing to sign by one's legal name, failing to complete all information requested on documents, etc. The Obligations also require that the family allow the HA to inspect the unit and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the HA may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the HA to inspect the unit.

The family will be given information about the requirement to keep appointments, and the number of times appointments will be rescheduled as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

1. Eligibility for Admissions
2. Verification Procedures
3. Voucher Issuance and Briefings
4. Housing Quality Standards and Inspections
5. Recertifications
6. Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are medical or family emergencies.

Procedure when Appointments are Missed or Information not Provided

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

After issuance of the denial or termination notice, if the family offers to correct the breach within the time allowed to request a review or hearing - The notice may be rescinded after the family cures the breach, if the family does not have a history of non-compliance.

Chapter 16

OWNER DISAPPROVAL AND RESTRICTION

INTRODUCTION

It is the policy of the HA to and recruit owners to participate in the program, and to provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the HA. The regulations define when the HA must disallow an owner participation in the program, and they provide the HA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54 (d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The HA will disapprove the owner for the following reasons:

HUD or other agency directly related has informed the HA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed the HA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.

HUD has informed the HA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

The owner has engaged in drug trafficking.

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.

The owner has a history or practice of renting units that fail to meet State or local housing codes.

The owner has not paid State or local real estate taxes, fines or assessments.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, the HA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The HA may also terminate some or all contracts with the owner. . The owner and tenant will be given up to 60 days notification

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

The HA guidelines for restrictions are contained in the table below:

DISAPPROVAL OF OWNERS/PARTICIPATION RESTRICTIONS

BREACH	PENALTY
HUD notification of owner debarment/suspension	Termination
HUD notification of violation of fair housing/federal equal opportunity	Termination
Violation of contract obligations	Abate/Term.
Owner fraud, bribery or other corrupt act in federal housing program	Termination
Owner engaged in drug trafficking	Termination
History of noncompliance with HQS	Abate/Term.
History of renting units below code	Abate/Term.
State/local real estate taxes, fines or assessments	Abate/Term.

C. OTHER REMEDIES FOR OWNER VIOLATIONS

Overpayments

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, the HA may terminate the Contract and arrange for restitution to the HA and/or family as appropriate.

The HA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the HA or the tenant, as applicable.

Chapter 17

OWNER OR FAMILY DEBTS TO THE HA

INTRODUCTION

This Chapter describes the HA's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the HA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the HA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

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

- Requests for lump sum payments
- Civil suits
- Repayment agreements
- Abatements
- Reductions
- Collection agencies
- Credit bureaus
- Income tax set-off programs

A. REPAYMENT AGREEMENT FOR FAMILIES [24 CFR 792, 982.552 (c)(vii)]

A Repayment Agreement as used in this Plan is a document entered into between the HA and a person who owes a debt to the HA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of repayment, any special provisions of the agreement, and the remedies available to the HA upon default of the agreement.

The minimum monthly amount of monthly payment for any repayment agreement is five dollars. The minimum repayment agreement amount is \$200.

Late Payments

A payment will be considered to be in arrears if:

The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's repayment agreement is in arrears, The HA will select one or a combination of the following actions:

- Require the family to pay the balance in full,
- Pursue civil collection of the balance due,
- Terminate the housing assistance, or
- Require the family to pay the entire arrearage plus current month's payment in order avoid loss of assistance.

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

The family will be required to pay the balance in full prior to the issuance of a voucher.

If the family requests a move to another unit and is in arrears on a repayment agreement for the payment of an owner claim:

The family will be required to pay the balance in full, or be terminated from the program.

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

If the family already has a Repayment Agreement in place.

If the family has breached previous Repayment Agreements.

Guidelines for Repayment Agreements

If the amount of money owed is less than \$500.00 client will be given 6 months to pay.

If the amount of money owed is \$501.00 to \$1000.00 client will be given 1 year to pay.

If the amount of money owed is over \$1000.00 the client will be given 18 months to 2 years to pay depending on the situation. A hardship must be documented by client then reviewed by the Coordinator of Housing Assistance

Any amount owed above \$3,000.00 must be paid within 30 days - client could then enter into agreement for remaining \$3,000.00.

Client will be terminated for any amount owed over \$10,000.00.

Repayment Agreements will be executed between the HA and the head of household or other adult family member. A maximum of two repayments agreements will be approved. The need for any additional repayment agreements will be considered grounds for Termination of Assistance.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship, and the approval of the Section 8 Program Director.

No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the Repayment Agreement is current:

Family size exceeds the HQS maximum occupancy standards

The HAP contract is terminated due to owner non-compliance

A natural disaster

Additional Monies Owed: If the family has a Repayment Agreement in place and incurs an additional debt to the HA:

If a Repayment Agreement is in arrears more than 60 days, any new debts must be paid in full.

In the event of breach of the agreement by the family the HA shall retain the right to terminate the agreement and move forward with termination on the grounds originally available at the time of execution of the repayment agreement and on any additional grounds which have become applicable since the execution of the repayment agreement.

In the event that the family makes one or more late payments which are accepted by the HA, this shall not stop the HA from terminating the agreement at a later date for failure of the family to again make payment within the time parameter set forth in the repayment agreement.

The HA reserves the right to refuse to enter into a repayment agreement with the family if the HA is of the opinion that such agreement should be offered based upon the facts and circumstances of the case. In such cases the HA will proceed with collection action as no amnesty of debt forgiveness programs are authorized by HUD.

B. USE OF EIV DEBT OWED & TERMINATION REPORTS

For admissions and terminations the Fall River Housing Authority will use the Debt Owed & Termination Report thru the Enterprise Verification System (EIV). For admissions the family may not be admitted until the debt is paid in full to the other HA. For terminations the Fall River Housing Authority will follow our termination policy. We will provide the family with a copy of the report.

C. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION
[24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the HA due to the family's failure to report increases in income or loss of items for allowances or deductions will be required to repay in accordance with the guidelines in the Repayment Section of this Chapter.

Program Fraud

Families who owe money to the HA due to program fraud will be required to repay in accordance with the guidelines in the Repayment Section of this Chapter.

If a family owes an amount which equals or exceeds \$3000 as a result of program fraud, the case may be referred to the Inspector General. Where appropriate, the HA will refer the case for criminal prosecution.

Repayment Procedures for Program Fraud/Untimely Reporting

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

The minimum monthly payment will be five dollars. In no event shall the repayment schedule be for more than 12 months.

The HA will use a sliding scale system based upon the family's income to determine the monthly payment.

D. OWNER DEBTS TO THE HA

If the HA determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the HA may reclaim the amounts from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, the HA will:

Require the owner to pay the amount in full within thirty days

Enter into a repayment agreement with the owner for the amount owed

Pursue collections through the local court system

Restrict the owner from future participation

E. WRITING OFF DEBTS

Debts will be written off if:

The debtor's whereabouts are unknown and the debt is more than seven years old.

A determination is made that the debtor is judgment proof.

The debtor is deceased.

The debtor is confined to an institution indefinitely or for more than seven years.

The amount is less than \$20 and the debtor cannot be located.

Chapter 18

COMPLAINTS AND APPEALS

INTRODUCTION

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

A. COMPLAINTS TO THE HA

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

Categories of Complaints

1. Complaints from families: If a family disagrees with an action or inaction of the HA or owner.
Complaints from families will be referred to the Section 8 Program Director
2. Complaints from Owners: If an owner disagrees with an action or inaction of the HA or a family.
Complaints from owners will be referred to the Section 8 Program Director
3. Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules.
Complaints from staff will be referred to the Section 8 Program Director
4. Complaints from the general public: Complaints or referrals from persons in the community in regard to the HA, a family or an owner.
Complaints from the general public will be referred to the Section 8 Program Director

B. PREFERENCE DENIALS

If the HA denies a preference to an applicant, and the applicant disagrees with the decision, the applicant is entitled to a meeting. This is different from an Informal Review or Hearing. The person who made the decision to deny the preference, or any other HA representative, may conduct the meeting. The meeting is limited only to the circumstances pertaining to the preference denial.

When the HA denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for a meeting with HA staff to discuss the reasons for the denial and to dispute the HA's decision.

The person who conducts the meeting must be:

Any officer or employee of the HA's Tenant Selection Department including the person who made the decision.

If the applicant is denied a preference they are entitled to an informal hearing before a hearings officer at the HA.

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54 (d) (12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

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

The reason(s) they are ineligible,

The procedure for requesting a review if the applicant does not agree with the decision and

The time limit for requesting a review.

The HA must provide applicants with the opportunity for an Informal Review of decisions denying:

Listing on the HA's waiting list
Issuance of a Voucher
Participation in the program

Informal Reviews are not required for established policies and procedures and HA determinations such as:

1. Discretionary administrative determinations by the HA
2. General policy issues or class grievances
3. A determination of the family unit size under the HA subsidy standards
4. Refusal to extend or suspend a Voucher
5. Disapproval of lease
6. Determination that unit is not in compliance with HQS
7. Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an Informal Review must be received in writing by the close of the business day, no later than ten days from the date of the HA's notification of denial of assistance. The informal review will be scheduled within 30 days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by:

A staff person who is not the person who made the decision or his/her subordinate

If the applicant fails to appear for the Informal Review and has not contacted the HA in advance to reschedule, the HA's proposed disposition of the grievance will become final. The HA will reschedule the review only if the family can show good cause for the failure to appear.

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

A Notice of the Review findings will be provided in writing to the applicant within thirty days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

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

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555, 5.514]

The HA will provide a copy of the hearing procedures in the family briefing packet.

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

- The proposed action or decision of the HA;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for the HA's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.

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

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

6. Determination to pay an owner claim for damages, unpaid rent or vacancy loss.

The HA must always provide the opportunity for an informal hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and HA determinations such as:

1. Discretionary administrative determinations by the HA
2. General policy issues or class grievances
3. Establishment of the HA schedule of utility allowances for families in the program
4. An HA determination not to approve an extension or suspension of a voucher term
5. An HA determination not to approve a unit or lease
6. An HA determination that an assisted unit is not in compliance with HQS (HA must provide hearing for family breach of HQS because that is a family obligation determination)
7. An HA determination that the unit is not in accordance with HQS because of the family size
8. An HA determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

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

When the HA receives a request for an informal hearing, a hearing shall be scheduled within thirty days. The notification of hearing will contain:

1. The date and time of the hearing
2. The location where the hearing will be held
3. The family's right to bring evidence, witnesses, legal or other representation at the family's expense
4. The right to view any documents or evidence in the possession of the HA upon which the HA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing

The HA's Hearing Procedures

After a hearing date is set, the family may request in advance to reschedule only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

If a family does not appear at a scheduled hearing and has not contacted the HA in advance to reschedule, the HA's proposed disposition of the grievance will become final. The HA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

Present written or oral objections to the HA's determination.

Examine the documents in the file which are the basis for the HA's action, and all documents submitted to the Hearing Officer;

Copy any relevant documents at their expense;

Present any information or witnesses pertinent to the issue of the hearing;

Request that HA staff be available or present at the hearing to answer questions pertinent to the case; and

Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the HA will make the copies for the family and assess a charge of \$0.10 per copy. In no case will the family be allowed to remove the file from the HA's office.

If the family requests copies of documents, the HA will make the copies for the family and assess a charge of \$.20 per page. In no case will the family be allowed to remove the file from the HA's office.

In addition to other rights contained in this Chapter, the HA has a right to:

Present evidence and any information pertinent to the issue of the hearing;

Be notified if the family intends to be represented by legal counsel, advocate, or another party;

Examine and copy any documents to be used by the family prior to the hearing;

Have its attorney present; and

Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the HA who is neither the person who made or approved the decision, nor a subordinate of that person. The HA appoints hearing officers who:

Are managers from other departments in the government of the jurisdiction

Are managers from other HA's

Are professional mediators or arbitrators employed by the county Bar Association/a mediation, dispute resolution, or arbitration service/other

Are members of the community who do not otherwise have a conflict of interest with the HA or the family

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

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the HA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the HA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the HA and the family within fifteen days and shall include:

A clear summary of the decision and reasons for the decision;

If the decision involves money owed, the amount owed; and

The date the decision goes into effect.

The HA is not bound by hearing decisions:

Which concern matters in which the HA is not required to provide an opportunity for a hearing

Which conflict with or contradict to HUD regulations or requirements;

Which conflict with or contradict Federal, State or local laws; or

Which exceed the authority of the person conducting the hearing.

The HA shall send a letter to the participant if it determines the HA is not bound by the Hearing Officer's determination within fifteen days. The letter shall include the HA's reasons for the decision.

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

E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR 812.9]

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

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

INS Determination of Ineligibility

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

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

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

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

Deny the applicant family

Defer termination if the family is a participant and qualifies for deferral

Terminate the participant if the family does not qualify for deferral

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

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

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

F. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES

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

Chapter 18

HAP Contract Terminations Due to Funding Shortfalls

If the FRHA determines that insufficient funding exists to continue subsidizing all HAP contracts it will terminate HAP contracts in the following order.

Date of initial assisted Sec 8 lease (HAP) agreement will be the date used for determining the selection of HAP contracts to be terminated.

The Family with the most recent lease date will be the first terminated and this procedure will be followed until the FRHA's funding shortfall has been eliminated.

Last contracts to be terminated are:

Elderly

Disabled family

Owner and participant will be notified promptly

Resumption of terminated subsidies:

Resumption to the waiting list: The HA will maintain a list of those families terminated due to insufficient funding. If funding becomes available they will be given 1st priority. The first family for whom the HAP contract was terminated shall receive the first offer of screening for a voucher. Families will be notified in writing

APPENDIX 1

*Payment Standards
Section 8 Program*

<i>BR SIZE</i>	<i>New Payment Standard</i>	<i>Percent of FMR</i>	<i>New FMR</i>
<i>0 BR</i>	<i>\$822</i>	<i>110%</i>	<i>\$748</i>
<i>1 BR</i>	<i>\$933</i>	<i>110%</i>	<i>\$849</i>
<i>2 BR</i>	<i>\$1,115</i>	<i>110%</i>	<i>\$1,014</i>
<i>3 BR</i>	<i>\$1,398</i>	<i>110%</i>	<i>\$1,271</i>
<i>4 BR</i>	<i>\$1,658</i>	<i>110%</i>	<i>\$1,508</i>

The City of Fall River is included in the Providence and Warwick, Rhode Island statistical area for determination of Income Limits and FMR's.

The market for Fall River is distinct from the Providence and Warwick markets. Fall River has a significant vacancy problem. The vacancy rate in the core city has decreased and there is continuing pressure to pay increased rents.

Our knowledge of the local market is summarized in the rent chart as shown above.

The rent reasonableness is factored into all decisions on what rent applies to any given unit but apartments in the City can be reasonable categorized in the rates reflected in the Payment Standards as shown above.

These payment standards were adopted by the FRHA Board on September 18, 2017 based on the the final FMR's issued by HUD and are effective on November 1, 2017.

APPENDIX 2

CENTRALIZED LIST

The Fall River Housing Authority has elected to utilize the MassNAHRO's Centralized Application and Waiting List process. Over the past few years, the Department of Housing and Urban Development has encouraged the use of a Centralized Waiting List by Public Housing Authorities.

It is anticipated that a Centralized Section 8 Waiting List will afford the Fall River Housing Authority and its clients the following benefits:

1. Ease of application process for participants who may apply at the office of any Housing Authority participating in the centralized waiting list option.
2. Eliminate the procedural hardship on families and administrative burden to the Housing Authority of closing and opening of the Section 8 Waiting List. The Centralized Section 8 Waiting List will be maintained as an open waiting list.
3. Increase housing opportunities for families who now have the potential option of placement at a number of locations throughout the Commonwealth through the submission of a single application.

II ACCEPTANCE OF APPLICATIONS

A single, standardized Preliminary Application is available at each participating Housing Authority. A master list of all participating Housing Authorities will be maintained at the office of the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (hereinafter MassNAHRO) and at each participating Housing Authority. Only one application will be accepted for each Head of Household.

The Preliminary Application will request information as required to administer the Section 8 Housing Choice Voucher Program such as: name and city or town (where Head of Household and spouse live and work), telephone number, total number of family members, Head of Household's social security number, if client is 62 years of age or older or disabled, total gross family income, race, and ethnicity. Information regarding preferences adopted by participating Housing Authorities will also be elicited on this application.

The Housing Authorities collectively reserve the right to modify the application to include other information required or useful to administer the Section 8 Housing Choice Voucher Program. All participating Housing Authorities must agree to adopt said modification to the application in advance to such modification. Applications will be available for completion at the Fall River Housing Authority in person between the hours of 9 and 4 on the following days of the week, Monday thru Friday and may be mailed or faxed.

Upon completion of the application it shall be marked by the Housing Authority staff with date and the time of submission and the family shall be provided with a standard receipt evidencing submission of the application.

The Fall River Housing Authority will then enter the information from the Preliminary Application into the Centralized Waiting List.

III UPDATING THE APPLICATIONS

A family may update its application (i.e. change of address) for Section 8 Assistance at the office of any Housing Authority participating in the Centralized application process regardless of where the original application was submitted. To update the application a written request must be submitted by the family. A receipt will be provided to the family as evidence of said update. The Housing Authority who receives the updated information will give the family a receipt indicating that the family had submitted the update.

IV SELECTION FROM THE WAITING LIST

The selection process set forth in the Fall River Housing Authority's Administrative Plan shall govern the manner in which individuals and families are selected by the Housing Authority from the Centralized Section 8 Waiting List.

V ELIGIBILITY DETERMINATION

Once a family has been selected from the Centralized Section 8 Waiting List in the manner set forth in the Fall River Housing Authority's Administrative Plan from the Section 8 Housing Choice Voucher Program, eligibility determination shall be made according to federal law, regulations governing State law and any applicable procedures set forth in the Housing Authority's Administrative Plan for the Section 8 Housing Choice Voucher Program.

VI REMOVAL OF NAMES FROM THE WAITING LIST

A Ineligibility for Assistance

If a family is denied assistance by the Fall River Housing Authority, they will have the right to the grievance procedures set forth in the Fall River Housing Authority's Administrative Plan. After such time expires to request an informal hearing or a hearing is held and the decision is upheld, the family will be denied participation in the Section 8 Program by the Housing Authority making the determination. The family's name will not be removed by the Fall River Housing Authority from the Centralized Section 8 Waiting List because the family may be eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Fall River Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

B Determination that Family is Over Income Limits

If the family was denied participation in the Section 8 Housing Choice Voucher Program because it was over income for the program, the name will be removed from the Centralized Section 8 Waiting List if the Housing Authority making the determination is in the jurisdiction with the highest income limits of those Housing Authorities participating in the Centralized Section 8 Waiting List process. Otherwise, the family's

name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be income eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Fall River Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

C No Response

Further, if the family does not respond to a letter sent by a participating Housing Authority to attend an eligibility determination appointment or to otherwise respond to the Housing Authority, the Housing Authority who requested said response may remove the family's name from the Centralized Section 8 Waiting List. The manner and grounds for said removal shall be governed by the Administrative Plan for the Housing Authority making said removal.

D Purge of Waiting List

If determined necessary by MassNAHRO, on an annual basis, MassNAHRO may send a letter to each applicant on the Centralized Section 8 Waiting List. This letter will be sent to the address on the Section 8 preliminary Application or on any written change of status request that was completed and sent to a participating Housing Authority. Applicants will be requested to respond to the mailing within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Centralized Section 8 Waiting List. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Centralized Section 8 Waiting List.

VII GRIEVANCES OR COMPLAINTS; JURISDICTION

When a family expresses a problem with a decision made by a Housing Authority involved in the Centralized Section 8 Waiting List option, that family shall be referred to the Housing Authority who made the determination in question.

Adopted by the Board of Commissioners this October 2002

This Addendum incorporates the necessary provisions for participation in MassNAHRO's Centralized Waiting List for Section 8. Most provisions have been incorporated into the Plan itself. This addendum is attached to clearly delineate the provisions of the Plan that are changed to implement this Centralized List.

The
Appendix 3

Section 8 Administrative Plan

Section 8 Housing Choice Project-Based Voucher (PBV) Program

Updated to Include PBV Related HOTMA regulations

October 2017

This addendum to the Fall River Housing Authority's Section 8 Administrative Plan contains the key policy statements and operating parameters for a Housing Choice Project-based Voucher (PBV) program. This addendum reflects the requirements of the regulations up and through the regulatory revisions required to comply with the Housing Opportunity Through Modernization Act of 2016 (HOTMA) PBV related changes, (see Federal Register Notice January 18, 2017). This Addendum is NOT intended to repeat every provision of 24 CFR Part 983 but rather highlight discretionary policy choices made by the FRHA.

This Addendum is a statement of interest to operate a Project-Based Assistance Voucher program (PBV) and to provide information on how it intends to operate the PBV under the requirements of the law. This Addendum also provides information to eligible families, owners, and other interested members of the public.

The FRHA PBV program has two tracks. 1) There is a Watuppa Heights PBV program track and 2) a "general" FRHA PBV program track.

The Watuppa Heights PBV Track

The former is a specific set-aside of fifty (50) Vouchers intended to replace in part units from the former Watuppa Heights State-aided Family Housing Development. The Watuppa Heights PBV program is subject to a Memorandum of Understanding (MOU) between the Massachusetts Department of Housing & Community Development, Mass Law Reform and the FRHA. The MOU requires that the Watuppa Heights PBV program use a map created by Mass Law Reform that pre-identifies suitable census blocks that meet site and neighborhood standards which exceed the regulatory standard. Pursuant to the MOU, the FRHA cannot approve applications for PBV submitted under the Watuppa Heights track in "red" or "orange" zones without the concurrence of Mass Law Reform or their designee. In addition, Watuppa Heights PBV units are to be two bedroom or larger suitable for families with children.

The "General" PBV Tract:

The "general" FRHA PBV program relies solely on the site selection standards of the regulations found at 24 CFR 983.57. The "general" FRHA PBV program will not exceed the HUD maximum allowable cap as defined in section D below.

PROVISIONS OF THE FRHA's PBV PROGRAM.

Except where this section specifies otherwise, the project-based voucher regulations at 24 CFR 983 continue to apply to newly constructed and substantially rehabilitated housing and now also apply to existing housing. Upon determination of good cause and subject to statutory limitations, the FRHA may seek a waiver from HUD for any provisions of the applicable project-based regulations in accordance with 5 CFR 5.110

Except where noted, statements in this Addendum apply to both tracks.

Once PBV assistance awarded under either track is assigned to a dwelling unit under a fully executed Housing Assistance Payment (HAP) Agreement, the day to day administration of the PBV generally follows the requirements of the tenant-based Housing Choice Voucher program (of which the PBV program is a budgetary subset). There is a list of exceptions to the tenant-based program regulations at 24 CFR 983.2.

The eligible housing types for the PBV program include: single room occupancy, congregate housing, group homes, manufactured (mobile) homes and cooperatives.

The FRHA may not attach or pay PBV assistance for units in the following types of housing:

- (1) Shared housing;
 - (2) Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
 - (3) Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care. However, the PHA may attach PBV assistance for a dwelling unit in an [assisted living facility](#) that provides home health care services such as nursing and therapy for residents of the housing;
 - (4) Units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution;
 - (5) Manufactured homes; and
 - (6) Transitional Housing.
- (b) Prohibition against assistance for owner-occupied unit. The PHA may not attach or pay PBV assistance for a unit occupied by an [owner](#) of the housing. A member of a cooperative who owns shares in the [project](#) assisted under the PBV [program](#) shall not be considered an [owner](#) for purposes of participation in the PBV [program](#).
- (c) Prohibition against selecting unit occupied by an ineligible family. Before a PHA selects a specific unit to which assistance is to be attached, the PHA must determine whether the unit is occupied and, if occupied, whether the unit's occupants are eligible for assistance. The PHA must not select or enter into an Agreement or HAP contract for a unit occupied by a family ineligible for participation in the PBV [program](#).
- (d) Prohibition against assistance for units for which commencement of construction or rehabilitation occurred prior to AHAP. The PHA may not attach or pay PBV assistance for units for which construction or rehabilitation has commenced as defined in [§ 983.152](#) after proposal submission and prior to execution of an AHAP.

Unlike the tenant-based program, a PBV program participant may not pay more than 30% of their adjusted gross income for rent.

OVERALL GOALS AND OBJECTIVES OF THE FRHA'S PBV PROGRAM

While complying with the regulatory requirements of 24 CFR Part 983, the FRHA wishes to emphasize the following PBV goals and objectives:

- (1) To utilize the PBV program to foster the new development of affordable housing in conjunction with any City of Fall River initiatives and those required by law.
- (2) To utilize the PBV program to promote more secure and affordable rental housing for rent-burdened families.

(3) To utilize the PBV program to preserve existing affordable housing, which might otherwise be at-risk.

(4) To utilize the PBV program to increase affordable rental housing opportunities for families at or under 50% of the Area Median Income (AMI) limit.

A. Authorization to Provide Project-Based Vouchers for Existing Housing

Consistent with HUD regulation, the FRHA may from time to time enter into HAP contract agreements that attach project-based voucher assistance to existing housing that fully meets the Housing Choice Voucher program Housing Quality Standards at 24 CFR 982.401.

A housing unit will be considered an “existing unit” for purposes of the project-based voucher program if, at the time of the FRHA’s written notice of selection of the project the units required a maximum expenditure of less than \$1,000 per assisted unit (including the unit’s prorated share of any work to be accomplished on common areas or systems) to comply with the HQS. The regulations also require that for a period of a at least twelve (12) months after entering into a PBV HAP for an existing unit, no modernization work is permitted that would put the unit out of compliance with HQS and would total more than \$1000 per unit. This does not apply to routine repairs required to keep the unit habitable.

Existing units are exempt from any requirement for Subsidy Layering Review (SLR).

B. Unit Selection Policy, Advertising, and Owner Application Requirements

The FRHA will advertise the availability of PBV assistance to owners of property in a newspaper of general circulation. The advertisement will be published once a week for two consecutive weeks; specify an application deadline unless a rolling RFP is initiated; specify the number of units the FRHA estimates that it will be able to assist under the funding the FRHA is making available for this purpose; and state that only applications submitted in response to the advertisement will be considered. The FRHA advertisement will also state the FRHA’s selection policies. In all cases, the FRHA will maintain documentation of responses to advertisements or competitive proposals received in response to the FRHA notice.

The FRHA may opt not to conduct a separate competition if proposals presented to the FRHA were accepted as part of a different competition for federal funds (HOME, HOPE VI, and Tax Credit) within 3 years of the PBV proposal selection date. The original competition, however, cannot have considered the possibility of future PBV assistance, but the selection must be based on the project’s merits at the time of the competition. The FRHA may give a preference to Community Housing Development organizations or projects with Low Income Housing Tax Credits. The FRHA may submit an application to attach project-based assistance to an existing structure that it owns. For certain public housing projects where the FRHA has an ownership interest or control and will spend a minimum amount per unit on rehabilitation or construction, the FRHA may select a project without following the competitive processes cited above.

HUD will review the selection process in this case and determine that the FRHA-owned units were appropriately selected based on the selection procedures specified herein. The FRHA must determine that the proposed site meets all HUD “Site and Neighborhood” standards as defined at 983.57. Units in cooperative housing are eligible for PBV assistance.

For certain public housing projects where the FRHA has an ownership interest or control and will spend a minimum amount per unit on rehabilitation or construction, the FRHA may select a project without following the competitive processes cited above.

Procedures for Owner Submission of Proposals

Owner proposals will be requested in an advertisement with a reasonable deadline. Owners will be sent an RFP application and information packet, which will contain the following:

- A description of the PBV program at 24 CFR983
- Project selection criteria
- Sample program documents including payment standard schedule, utility allowance schedule and sample HAP agreement
- An application / proposal form.
- Information about application due date

Procedures for Selection of Proposals

Evidence that property is eligible housing as defined at 24 CFR 983.53 and 983.54, Evidence that property complies with or is exempted from the cap on the number of PBV units per project (24 CFR 983.56) Evidence that property meets the site selection standards (24 CFR 983.57).

Initial Review and Screening of Proposals - the

The FRHA will review only proposals submitted in response to the Request for Proposal advertisement and submitted by the stated deadline. The FRHA shall review proposals for completeness and compliance with RFP requirements.

After this initial threshold review, the following action will be taken:

- 1) Incomplete proposals will not be processed. If the Owner fails to provide the needed information within a reasonable time, the proposal will be rejected. Proposals, which would require permanent displacement of tenants, will be rejected. Proposals where there is no site control will be rejected. Proposals where the property has liens attached as a result of the current Owner's negligence will be rejected.
- 2) Owners of rejected proposals will be notified in writing of the reasons for rejection.
- 3) The FRHA will schedule initial inspections of all projects which meet the threshold requirements described above.
- 4) Based on the initial inspection, the FRHA will review the general work and cost estimate and determine that the project qualifies as a New Construction, Rehabilitation or Existing housing project. In the case of an existing project, the FRHA will ensure that the minimum HQS standards are met using Article II of the State Sanitary Code and the Federal Housing Quality Standards. Included in this report will be a statement on the need for temporary relocation of tenants and an estimate of the time needed to complete construction.
- 5) Upon receipt of the general work and cost estimate, the FRHA will conduct a feasibility analysis for each project. The FRHA will review the requested rents and supporting rent reasonableness information to determine if the rents are permissible under the PBV program. The FRHA will determine that the rents approved are reasonable and comparable to private unassisted units in the market.
- 6) Feasible proposals will be ranked.

C. Cap on Number of Units in a Project.

Generally the maximum number of units allowed in a project is the greater of 25% of the total number of units or 25 units.

Exceptions to Limit on Number of Units Assisted per Project

Exceptions are allowed and PBV units are not counted against the 25 percent or 25-unit per project cap if:

- The units are exclusively for elderly families or
- the units are for households eligible for supportive services available to all families receiving PBV assistance in the project or
- The project is located in a census tract with a poverty rate of 20 % percent or less, as determined in the most recent American Community Survey Five-Year estimates.
- PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are exempt from the project cap.

For Supportive Service Projects:

The project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit. It is not necessary that the services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible. A FRHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered.

D. Maximum Number of PBV Units

Under the Project-Based Voucher (PBV) program, the FRHA may enter into contracts with private Owners/Project Sponsors (Owners) to utilize up to 20 % percent of the FRHA's authorized HCVP units.

Additional Project-Based Units

The FRHA may project-base an additional 10% percent of its units above the 20% percent program limit, if the units:

1. Are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).
2. Are specifically made available to house families that are comprised of or include a veteran. *Veteran* means an individual who has served in the United States Armed Forces.
3. Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.
4. Are located in a census tract with a poverty rate of 20% percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

Required HUD Notification Before the FRHA issues a Request for Proposals for PBV assistance, the FRHA will must submit the following information to the HUD field office for review:

- A. The total amount of units authorized under the ACC for the FRHA (excluding those PBV units entirely excluded from the cap), including special purpose vouchers, as well as the number of PBV units excluded from the total, if applicable.

- B. The current number of units currently committed to PBV (excluding those entirely excluded from the cap), including units currently under PBV HAP contract, under Agreement to Enter into a HAP contract (AHAP), or covered by a notice of proposal selection. The number of units excluded from the total must also be identified.
- C. The number of units to which the FRHA is proposing to attach project-based assistance through the new RFP or selection.

E. Consistency With the Goals of Deconcentrating Poverty and Expanding Housing and Economic Opportunities.

The FRHA’s PBV program will be consistent with the goals of deconcentrating poverty and expanding housing opportunities.

The FRHA will consider a PBV site if it is consistent with the following deconcentration goals:

- The housing site must be located in Fall River and be consistent with the deconcentration goals already established in the FRHA’s FRHA plan, and with civil rights laws and regulations, including HUD’s rules on accessibility at 24 CFR 8.4 (b) 950.
- The FRHA will evaluate each proposal based on whether the site is in an Enterprise Zone, Economic Community or Renewal Community (EZ/EC/RC);
- Whether the concentration or number of assisted units has or will decrease as a result of public housing demolition;
- Whether the census tract is undergoing significant revitalization;
- Whether government funding has been invested in the area;
- Whether new market rate units are being developed in the area which are likely to positively impact the poverty rate in the area;
- If the poverty rate in the area is greater than 20%, whether in the past five years there has been an overall decline in the poverty rate; and
- Whether there are meaningful opportunities for educational and economic advancement in the area.

Additionally, the following site and neighborhood standards will apply:

(A) Existing Housing Site and Neighborhood Standards

An acceptable site for PBV Existing housing must meet the following site and neighborhood standards:

The site must:

- (1) Be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site.
- (2) Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- (3) Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of

unassisted, standard housing of similar market rents.

(4) Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive. While it is important that housing for the elderly not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.

(B) Rehabilitation and New Construction Site and Neighborhood Standards.

A site for rehabilitation or newly constructed housing must meet the following site and neighborhood standards:

The site must:

(1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.

(2) The site must not be located in an area of minority concentration, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

(3) A project may be located in an area of minority concentration only if:

(i) Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration; or

(ii) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.

(iii) "Sufficient" comparable opportunities does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year, which, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality's population.

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

(v) Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:

(A) A significant number of assisted housing units are available outside areas of minority concentration.

(B) There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.

(C) There are racially integrated neighborhoods in the locality.

(D) programs are operated by the locality to assist minority families that wish to find housing outside

areas of minority concentration.

(E) Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.

(F) A significant proportion of minority households have been successful in finding units in non-minority areas under the tenant-based assistance programs.

(G) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

(vi) Application of the "overriding housing needs" criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing area"). An "overriding housing need," however, may not serve as the basis for determining that a site is acceptable, if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

(4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

(5) The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

(6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.

(7) Except for new construction, housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

F. Family Choice to Move With Continued Assistance

Assisted families who are in good standing and have resided in a PBV unit for 12 months may move from the assisted building and retain federal housing assistance. The FRHA will offer tenant-based HCVP assistance to the families in the order that they request tenant-based assistance and subject to funding availability. If no such assistance is available at the time the family moves, the FRHA will give the family priority to receive the next available tenant-based voucher. Vouchers under funding allocations targeted by HUD for special purposes (e.g. family unification, mainstream disabled) are not available for this purpose, since they are required to be used only for the targeted purpose.

G. HAP Contract Term

Consistent with the law, a HAP contract between the FRHA and an owner of housing under this program may have a duration of at least 1 year and a maximum initial term of up to 20 years subject to the future availability of sufficient appropriated funds under

the FRHA's consolidated ACC with HUD.

Upon expiration of the HAP contract term and consistent with the law and funding availability, the FRHA may extend the HAP contract for one additional term of 20 years

In evaluating HAP contract extensions, the FRHA will place emphasis on the following factors:

- (1) The extent to which the extension protects affordable housing developed under any City of Fall River initiative and those required by law.
- (2) The extent to which the extension promotes the provision of secure and affordable rental housing for rent-burdened families.
- (3) The extent to which at-risk housing continues to be preserved as affordable housing.
- (4) The extent to which the extension benefits affordable housing rental opportunities for families at, or under, 50% of the Area Median Income (AMI)

H. Rent Limits

In general, PBV rents cannot exceed the **lower** of 1) the rent the owner is requesting; 2) the reasonable rent as determined by the FRHA; or 3) 110 % percent of the FMR (or, for units with tax credits, the tax credit rent (except under certain circumstances).

For Tax Credit Properties: The FRHA may use the higher Section 8 rent to owners of certain Low Income Housing Tax Credits (LIHTC) units if the LIHTC rent to owner is less than the amount that would be permitted under Section 8. For units assisted with either HOME or LIHTCs HERA the need to conduct a rent comparison is eliminated, if the rent to the owner does not exceed the rent for other HOME or LIHTC units in a project that are not occupied by families with vouchers. Gross rents (rent to owner plus the allowance for tenant-paid utilities) may not exceed 110% percent of the established Fair Market Rent ("FMR") or any HUD-approved "exception payment standard" (i.e., a payment standard amount that exceeds 110 percent of the published FMR) for the area where the housing is located.

All rents approved must be reasonable in relation to rents charged in the private market for comparable unassisted units (see 42 U.S.C. 1437((f) (o)(19)(A).

I. Rent Adjustments During the Term of the HAP Contract

HAP contracts for project-based voucher assistance shall provide for rent adjustments and that the adjusted rent for any assisted unit shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted local market and may not exceed the maximum rent limits permitted under the statutory limitations summarized above. Determination of whether rent is reasonable in relation to comparable units shall be governed by 24 CFR 983.303. I

J. Family Share of Rent and Housing Assistance Payment

The housing assistance payment and family share of rent are governed by 24 CFR 983.301, 983.302, and 983.353.

K. Tenant Selection

The FRHA's Section 8 Project Based Voucher (PBV) program is made up of privately owned and operated housing developments which have Section 8 subsidy attached to some or all of the units at the site. The FRHA's PBV sites may offer residents, in some cases, supportive services, such as economic improvement, case management, mental health counseling, recovery programs, on

site medical services, etc. Applicants are screened by the Owner/Agent of each property for suitability based upon criteria established in each property's Tenant Selection Plan. The FRHA screens applicants for Section 8 Eligibility purposes, only.

The FRHA will administer a stand-alone PBV waiting list apart and separate from any tenant-based waiting list and may decide to implement site-based waiting lists to ease administrative burden and speed the referral of families to fill vacant units. Households will be able to apply directly to the FRHA outside of the centralized state-wide waiting list referenced elsewhere in the Section 8 Administrative Plan.

The FRHA may establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. The FRHA must provide an absolute selection preference for eligible in-place families who qualify for voluntary services, including disability-specific services, offered in conjunction with assisted units, provided that preference is consistent with the FRHA plan. The FRHA may not, however, grant a preference to a person with a specific disability.

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must offer the services to all residents and be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled or other qualified residents may not be required to accept the particular services offered as a condition of occupancy.

If the FRHA has projects with "excepted units" for elderly families or supportive services, the FRHA must give preference to such families when referring families to these units [24 CFR 983.261(b)]

The PBV program will permit a preference for households determined eligible for supportive services under an address specific Supportive Service Plan (SSP). A household that obtains a letter from an owner that says the household has been determined to be eligible for services under the site specific SSP will be referred from the list to that owner on a date and time basis. All other applicants will be referred on a date and time basis as PBV units become available.

The SSP must have been part of the original application for PBV. The SSP must demonstrate one or more sources of funding. The owner will be required to certify with every request for a rent increase that the services described in the SSP are in place and funded.

The FRHA selection system for project-based units will also comply with the requirements specified below:

Income Targeting: The requirements of 42 U.S.C. 1437n (b) and CFR 982.201(b) (2) govern the selection of eligible families for this program, and generally provide that not less than 75 percent of families admitted annually to the FRHA's combined tenant-based and project-based voucher program shall be families whose incomes do not exceed 30 percent of the area median, as determined by HUD.

The FRHA will only maintain a separate project-based waiting list if all FRHA tenant-based assistance applicants who seek project-based housing can be placed on this list upon request and without penalty to any other application for assisted housing they may have pending. In the case of existing housing with eligible in-place families, these families shall receive an automatic preference for these units. Subject to its waiting list policies and selection preferences specified in the FRHA administrative plan, the FRHA may place a family referred by an owner of project-based voucher units on its waiting list.

In all cases, the FRHA will administer the project-based waiting list. In no case will the FRHA allow an owner to maintain the waiting list.

According to its regular applicant selection policies, if an applicant does not lease a unit with project-based assistance, or the owner turns an application down for admission to a project-based unit, the applicant will not be removed from the FRHA's tenant-based assistance waiting list for that reason. In this case, the applicant will maintain their position on the

list as though no offer of housing had been made.

Owners choose a family for occupancy based on each Owner's individual and distinct written tenant selection policy. The FRHA must approve the Owner's tenant selection procedures. When a family is approved by the Owner and the FRHA, they will execute a lease with the Owner (a HUD PBV addendum will be included).

Applicant right to appeal an Owner denial

If an Owner denies a unit to a referred applicant, the Owner must send a written notice to the applicant clearly stating the reason(s) for denial and advising of any right to appeal that determination. The Owner must provide FRHA with a copy of this denial letter. The applicant may request that the FRHA review the Owner's denial to verify the Owner's compliance with the approved written tenant selection plan for the project.

Vacant units: The HAP contract will be in a form prescribed by HUD. The FRHA may agree to provide vacancy payments under the HAP contract, pursuant to 24 CFR 983.352, for up to 60 days after a unit becomes vacant, in an amount not to exceed the rent to the owner as provided by the HAP contract on the day the family vacated.

The PHA may only make such payments for a vacant unit if:

- The owner gives the PHA prompt, written notice certifying that the family has vacated the unit and containing the dates and other details of the move-out;
- The owner certifies that vacancy was not the owner's fault and that the unit was actually vacant during the period for which payment is claimed;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of any vacancy; and
- The owner provides any additional information required and requested by the FRHA.

Reduction of Contract Units

Except for units for which a HAP was executed before the effective date of this notice. The new law supersedes 24 CFR 983.152(B) and (C). Instead, the following provisions apply:

- If no eligible family rents a vacant unit within 120 days (commencing on the first day on the month when the vacancy occurs, the FRHA may terminate its commitment to make any additional housing assistance payments for the unit for the balance of the HAP contract term. The FRHA may use the amounts so saved to provide other forms of voucher assistance.
- In addition, if no HAP is made for a period of at least 180 days because the household residing in the unit is over-income and no subsidy is required, the unit will be removed by the HAP Agreement.

Termination of HAP Contract by the FRHA

The HAP contract must provide that the term of the FRHA's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by the FRHA in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

In times of insufficient funding, HUD requires that FRHAs first take all cost-saving measures prior to failing to make payments under existing PBV HAP contracts. If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the FRHA may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Statutory Notice Requirements: Contract Termination or Expiration

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the FRHA and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advance notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner's required notice period ends. The FRHA must provide the family with a voucher and the family must also be given the option by the FRHA and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness requirements.

The family must pay their total tenant payment (TTP) and any additional amount if the gross rent exceeds the applicable payment standard. The family has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions to the

FRHA HCV tenant-based program, and are not subject to income eligibility requirements or any other admission requirements. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.

Addition of Contract Units

The FRHA and owner may amend the HAP contract to add additional PBV contract units in projects that already have a HAP contract without having to fulfill the selection requirements found at 24 CFR 983.51(b) for those additional PBV units, regardless of when the HAP contract was signed. The additional PBV units, however, are still subject to the PBV program cap and individual project caps. Prior to attaching additional units without competition, the FRHA must submit to the local field office information outlined in FR Notice 1/18/17. The FRHA must also detail in the administrative plan their intent to add PBV units and the rationale for adding units to the specific PBV project.

FRHA briefing of applicants selected to occupy a PBV unit

All applicants selected to occupy the PBV units must be briefed on HCV program benefits and responsibilities. The oral briefing must include a description of how the PBV program works and family and Owner responsibilities. Each family must receive a briefing packet that contains: 1) information on how the FRHA determines the total tenant payment for the family; 2) family obligations under the program; 3) applicable fair housing information; and, 4) information about continued program eligibility if household composition changes and unit size is no longer suitable.

Occupying accessible units

The Owner must make every effort to fill accessible units with eligible households that would benefit from the unit's accessibility

features. Owners must list accessible units with the Massachusetts Accessible Housing Registry. Both the Owner and the FRHA should also notify all local and regional disability organizations of accessible PBV unit availability.

Applicant suitability determination

Applicant suitability determination will be made by the Owner. The FRHA will periodically monitor the project sponsor's applicant selection determinations for compliance with the Owner's FRHA-approved Tenant Selection plan for the project.

In-place Families

Owner responsibility

The Owner-sponsor must send all in-place tenants a letter explaining that the Owner's units have been selected for PBV assistance and that if the tenants are determined program eligible (including being appropriately housed according to FRHA's occupancy standards), they will be eligible to receive PBV assistance. The Owner's letter must emphasize that any tenant found ineligible will not be displaced. The FRHA will provide the Owner with the details about HCV program eligibility and relocation requirements.

FRHA responsibility

Upon receipt of the Owner's certification that the requisite letter has been sent to all in-place tenant families, the FRHA will send those families a HCVP pre-application that seeks information about each tenant's household composition. This information will assist the FRHA in determining whether or not the household is occupying the appropriate bedroom-size unit. Once the family completes and returns the pre-application to FRHA,

Because of time delays in getting the various HUD approvals (when required), the FRHA will not perform the final tenant eligibility determination for any in-place tenant until the unit(s) has been otherwise approved for PBV assistance (e.g. passed HQS, met all other HUD requirements). Final eligibility includes the determination that the in-place household is appropriately housed in a unit with the correct number of bedrooms.

Over-housed and under-housed in-place households

Any unit occupied by an in-place non-eligible (program ineligible, over/under-housed, etc.) household cannot be brought onto the PBV program unless the Owner, at his/her/it's expense, finds a suitable replacement unit acceptable to the ineligible family.

Households eligible for supportive services available to all families

Any supportive service project must make supportive services available to all families receiving PBV assistance in the project, but the participant family does not actually have to accept and receive supportive services for the exception to apply to the unit. It is not necessary that the services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible. The FRHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered.

Types of Services

The FRHA may attach PBV assistance to units for occupancy by families in need of services. This may include disabled families, families in need of particular supportive services, or families participating in the Family Self-Sufficiency (FSS) program. Families will not be required to accept and receive supportive services for the exception to apply to the unit. The types of services may include, but are not limited to:

- 1) Household Training (i.e., homemaking, parenting skills, money management); 2) Job Training (preparation and counseling, job development and placement, Follow-up assistance after job placement, completion of FSS “Contract of Family Participation);
- 3) Self Sufficiency Services and Resources (appropriate to assist families to achieve economic independence and self-sufficiency);
- 4) Remedial Education (education for the completion of Secondary or post-secondary education);
- 5) Substance Abuse Treatment (counseling and treatment for substance abuse)

The FRHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered. If supportive services are offered, they must be available to all families receiving assistance in the project

Remaining Members Residing in an Excepted Unit

When a family (or remaining members of a family) residing in an excepted unit no longer meets the criteria for a “qualifying family” because the family is no longer an elderly family due to a change in family composition, the FRHA has the discretion to allow the family to remain in the excepted unit. If the FRHA does not exercise this discretion, the family must vacate the unit within a reasonable period of time established by the FRHA, and the FRHA must cease paying housing assistance payments on behalf of the non-qualifying family.

Individuals in units with supportive services who choose to no longer participate in a service or who no longer qualify for services they qualified for at the time of initial occupancy cannot subsequently be denied continued housing opportunity because of this changed circumstance.

Overcrowded, under-occupied, and accessible units

Under-housed

Any family that experiences a change in family size or composition that results in the family becoming under-housed and the occupied unit non-compliant with HQS requirements must relocate with assistance to an appropriately sized PBV unit, if available, or be issued a tenant- based voucher in the appropriate bedroom size, if available, or be terminated from the HCV program. If there is no available, comparable PBV unit to which the family can relocate, and no tenant-based voucher available to issue the family, the family can choose remain in-place without penalty to the Owner until the family can relocate with assistance.

Over-housed

If a family becomes over-housed due to a change in family size or composition after the first year of tenancy, the family must relocate at their expense to a smaller PBV unit, if available, or accept a tenant-based voucher, if available, to relocate. If there is no appropriately sized comparable PBV unit or tenant-based voucher available for the family, the family can choose to remain in-place with no reduction in the contract rent until such time as there is either an appropriate unit or voucher available. If the project is partially assisted, the Owner may request to substitute another comparable unit for the one that is occupied the ineligible in-place family.

Inappropriately housed in an accessible unit

In order to minimize loss of income to a project, an accessible unit may be leased to a family that does not require the unit’s accessible features under the following circumstances: 1) the unit has been vacant for at least 45 days, and, 2) both the FRHA and the Owner have exhausted respective outreach efforts to identify a family that would benefit from the unit’s accessible features. Because a non-disabled family would be inappropriately housed in an accessible unit, that family must be required to sign a lease

addendum prior to initial occupancy agreeing to move from the unit should a family with a need for the accessible features of the unit be identified for placement. If there is a suitable, non-accessible PBV unit available within the project, the inappropriately housed family must be offered the opportunity to move to that unit. If there is no such PBV unit available, the FRHA will issue a tenant-based voucher, if available, to the family. If there is no unit or voucher available, the non-disabled family will remain in the accessible unit without penalty until such time as an appropriate PBV unit or tenant-based voucher becomes available.

L. Future Modifications to this PBV Addendum to the Administrative Plan

The FRHA's PBV Addendum will remain in effect until any new project-based voucher rules have been fully implemented through new regulation.

In the event of changes required to this addendum because of future rulemaking concerning the project-based voucher program, the FRHA will take all reasonable steps to comply with new rules without jeopardizing actions previously taken that are consistent 24 CFR Part 983.

M. Consistency with 24 CFR Part 983

The FRHA intends that this addendum be consistent with 24 CFR Part 983.

N. Extremely Low Income Admissions

The FRHA, may at its discretion, require that all admissions to a building or group of buildings accepted into the Project Based Voucher program be occupants meeting the Extremely Low Income Limits in effect at the time of the occupants admission to the program.

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~~As in the current project-based program, the FRHA will refer families to housing units from the waiting list according to its regular applicant selection policies. If an applicant does not rent a unit with project-based assistance, or the owner turns an application down for admission to a project-based unit, the applicant will not be removed from the FRHA's tenant-based assistance waiting list for that reason. In this case, the applicant will maintain its position on the list as though no offer of housing had been made.~~

~~Vacant units: The HAP contract will be in a form prescribed by HUD. The FRHA may enter into such a contract that agrees to provide vacancy payments, pursuant to 24 CFR 983.352, for up to 60 days after a unit becomes vacant, in an amount not to exceed the rent to the owner as provided by the HAP contract on the day the family vacated.~~

Appendix 4

Section 8 Administrative Plan

Homeownership Program

The Fall River Housing Authority (FRHA) has determined that Homeownership opportunities for low income residents are lacking in the City of Fall River. The FRHA has stated within this Section 8 Administrative Plan the procedures and guidelines that will be followed in creating the Housing Choice Voucher (HCV) homeownership plan. This described plan is in complete compliance with the HCV homeownership regulations 24 CFR 982.625 *et seq.* This Appendix 4 forms the initial basis for going forward with the FRHA HCV homeownership program.

Now, the FRHA wishes to redirect its efforts toward establishing a new Family Self-Sufficiency (FSS) and Section 8 homeownership program as vehicles to facilitate reaching its homeownership goals.

With this in mind the FRHA is adopting the voluntary Homeownership Provisions of the HCV (Section 8) regulations. This homeownership plan will follow the provision of 24 CFR 982. *et seq.* (as amended November 18, 2002) and be subject to the provisions of this Appendix and the FRHA Section 8 Administrative Plan.

The strategy for a FRHA homeownership program is to create the mechanism to work with HCV (TENANT based) and PH residents to achieve homeownership. The approach calls upon the FRHA to encourage qualified PH residents to feed into the HCV program or other similar HUD supported homeownership effort wherein.

- 1) FRHA sets specific participation criteria
- 2) HCV holders are counseled initially by FRHA staff on the program concept: how the HCV program facilitates homeownership
- 3) PH residents are counseled initially by FRHA staff on the program concept

There are no direct grant funds to make this happen, only grant funds to provide various levels of program support. Such as:

- HUD grant funds that provide staff for the “coordination” of a HCV FSS program.
- HUD grant funds that provide staff for the “coordination” of a public housing FSS program.
- HUD grant funds to provide assistance/support to public housing residents that desire to follow a homeownership path via the FSS approach.

The homeownership strategy will require the FRHA to create a HCV homeownership program following the regulations noted below. FRHA will prepare and submit to HUD, for their approval, a FSS Action Plan (see outline below). This action plan also forms the basis of the FRHA HCV homeownership plan.

SUMMARY OF HCV PROGRAM DEVELOPMENT GUIDE

- The Section 8 homeownership effort is a FRHA option
- There is no separate nor additional funding available from HUD
- The Section 8 homeownership program can be implemented with the inclusion of reference of such within the Annual Plan and Administrative plan (as noted above)

- FRHA must demonstrate capacity (institutional and financial) to administer the effort
 - Concerns about lending abuse
 - Establishes minimum down payment requirement
 - Demonstrates by statement within Annual Plan that it has the capacity. Or will acquire capacity, to successfully operate a homeownership program
- FHRA shall adopt HUD down payment and home financing guidelines
- Payment standard determines maximum subsidy in voucher program
- FRHA uses SAME payment standard for both renters and homeowners

HOUSING CHOICE VOUCHER HOMEOWNERSHIP PLAN OUTLINE

FRHA responsibilities (checklist)

- Screening new and existing section 8 holders for interest in participation
- Screening only first time homeowners
- Screening incomes levels
- Screening for continuity of employment
- Certifying participation in Homeownership counseling program
- Certifying that participant has in the Section 8 program for a minimum of one year
- Certifying participant is in good standing with FRHA and landlord
- Designing and implementing a FSS program
- Identify and hire Homeownership Coordinator
- Identify community partners and establish partnerships (counseling, lenders, mentors)
- Review and approve homeownership counseling program
- Design and facilitate community outreach to: a) interested section 8 voucher holders, and b) realtors/developers/landlords, lenders and social service agencies
- Facilitate community outreach meetings with: a) potential participants, and b)) realtors/developers/landlords, lenders and social service agencies

FRHA financial responsibilities (checklist)

- Housing Assistance Payment (HAP) is calculated as: a) the lesser of: payment standard minus total tenant payment (TTP), b) monthly homeownership expenses minus TTP
- Voucher may not be used for down payment of closing costs (to be verified)
- Lenders must be a qualified lending agency as determined by FRHA
- FRHA cannot specify the use of certain lenders
- FRHA may restrict certain types of financing instruments (balloon or seller financing)
- FRHA can develop financing PARTNERS
- FRHA can disapprove financing based upon determination that applicant family cannot afford option
- Except for elderly/disabled households, welfare assistance may not be considered in determining if family meets requirements
- FRHA may establish minimum income that is higher than HUD limits
- FRHA may establish additional requirements in addition to those set by HUD
- FRHA may set time limits for family to locate and close on the residence
- FRHA may consider existing of new construction units for purchase
- FRHA may disapprove of unit sale
- FRHA may deny approval of unit for purchase for
- FRHA requires two home inspections-Housing Quality Standards and one conducted by a Independent Professional Home Inspector (hired by participant)

Participant responsibilities (checklist)

- Family is responsible for all homeownership expenses not covered by the HAP payment
- Family pays the difference out of pocket in addition to TTP
- Family has no present ownership[interest in another residence
- Full time employment of not less than 30 hours per week
- Continuously employed for at least one year
- Family must participate and satisfactorily complete homeownership counseling program required by FRHA
- FRHA or partners may conduct homeownership counseling course
- Family must provide copy of contract to FRHA prior to sale
- Family complies with terms of mortgage
- Family does not acquire additional residence
- Family reports changes in composition/income
- Family does not sublet/lease
- Family complies with additional FRHA requirements
 - Post purchase counseling
- Family complies with Program regulations with regard to time limits on initial mortgage

Eligibility (982.627)

To eligible for the HOP the participants must meet the following criteria;

- (1) The family has been admitted to the Section 8 Housing Choice Voucher program, in accordance with this Administrative Plan.
- (2) The family satisfies any first-time homeowner requirements.
- (3) The family satisfies the minimum income requirement
- (4) The family satisfies the employment requirements
- (5) The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option.
- (6) Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- (7) Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with Sec. 982.631(c).
- (8) The family also satisfies any other initial requirements established by the FRHA.

The FRHA shall not commence homeownership assistance for a family that includes an individual who was an adult member of a family at the time when such family received homeownership assistance and defaulted on a mortgage securing debt incurred to purchase the home.

First-time homeowner requirements (982.627)

The Homeownership program is available to participants who at the commencement of homeownership assistance for the family are:

- (1) A first-time homeowner (defined at Sec. 982.4);
- (2) A cooperative member (defined at Sec. 982.4); or

(3) A family of which a family member is a person with disabilities, and use of the homeownership option is needed as a reasonable accommodation so that the program is readily accessible to and usable by such person, in accordance with part 8 of this title.

Minimum income requirements (982.627)

At commencement of monthly homeownership assistance payments for the family, or at the time of a down payment assistance grant for the family, the family must demonstrate that the annual income is not less than;

- (i) In the case of a disabled family the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve; or
- (ii) In the case of other families, the Federal minimum wage multiplied by 2,000 hours.

Employment requirements (982.627)

The family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance:

- (1) Is currently employed on a full-time basis (the term "full-time employment" means not less than an average of 30 hours per week); and
- (2) Has been continuously so employed during the year before commencement of homeownership assistance for the family.

The employment requirement does not apply to an elderly family or a disabled family. Furthermore, if a family, other than an elderly family or a disabled family, includes a person with disabilities, the FRHA shall grant an exemption from the employment requirement if the FRHA determines that an exemption is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Eligible units (982.628)

- (1) The unit is eligible.
- (2) The unit is either under construction or already existing at the time the family enters into the contract of sale.
- (3) The unit is either a one-unit property (including a manufactured home) or a single dwelling unit in a cooperative or condominium.
- (4) The unit has been inspected by a FRHA inspector in the case of units located within the FRHA and by an independent inspector designated by the family jurisdiction or by an independent inspector located in other jurisdictions and approved by FRHA in addition to an independent inspector designated by the family
- (5) The unit satisfies the Housing Quality standards (HQS).

Homeownership assistance may be provided for the purchase of a home where the family will not own fee title to the real property on which the home is located, but only if:

- (1) The home is located on a permanent foundation; and
- (2) The family has the right to occupy the home site for at least forty years.

Homeownership counseling (982.630)

Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by the FRHA. City, regional and state community counseling organizations such as the Fall River Community Development Agency that operates a Homeownership program which meets the requirements of this section and other Counseling Programs must be approved by the FRHA and include the following in its curriculum.

- (1) Home maintenance (including care of the grounds);
- (2) Budgeting and money management;
- (3) Credit counseling;
- (4) How to negotiate the purchase price of a home;
- (5) How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- (6) How to find a home, including information about homeownership opportunities, schools, and transportation in the FRHA jurisdiction;
- (7) Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
- (8) Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
- (9) Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

Home inspections, contract of sale, and FRHA disapproval of seller (982.631).

The FRHA may not commence monthly homeownership assistance payments or provide a down payment assistance grant for the family until the FRHA has inspected the unit and has determined that the unit passes HQS.

Independent inspection.

- (1) The unit must also be inspected by an independent professional inspector selected by and paid by the family.
- (2) The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.
- (3) The independent inspector must provide a copy of the inspection report both to the family and to the FRHA. The FRHA may not commence monthly homeownership assistance payments, or provide a down payment assistance grant for the family, until the FRHA has reviewed the inspection report of the independent inspector. Even if the unit otherwise complies with the HQS (and may qualify for assistance under the FRHA's tenant-based rental voucher program), the FRHA shall have discretion to disapprove the unit for assistance under the homeownership option because of information in the inspection report.

Contract of sale

- (1) Before commencement of monthly homeownership assistance payments or receipt of a down payment assistance grant, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give the FRHA a copy of the contract of sale
- (2) The contract of sale must:
 - (i) Specify the price and other terms of sale by the seller to the purchaser.

(ii) Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser.

(iii) Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser.

(iv) Provide that the purchaser is not obligated to pay for any necessary repairs.

(v) Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under part 24 of this title.

FRHA disapproval of seller

In its administrative discretion, the FRHA may deny approval of a seller for any reason provided for disapproval of an owner in Sec. 982.306(c).

Maximum term of homeownership assistance (982.634)

Except in the case of a family that qualifies as an elderly or disabled family shall not receive homeownership assistance for more than:

(1) Fifteen years, if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer; or

(2) Ten years, in all other cases.

The maximum term of assistance does not apply to elderly and disabled families.

In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family. If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced.

Amount and distribution of monthly homeownership assistance payment (982.635)

While the family is residing in the home, the PHA shall pay a monthly homeownership assistance payment on behalf of the family that is equal to the lower of:

(1) The payment standard minus the total tenant payment; or

(2) The family's monthly homeownership expenses minus the total tenant payment.

Payment standard for family.

(1) The payment standard for a family is the lower of:

(i) The payment standard for the family unit size; or

(ii) The payment standard for the size of the home.

(2) If the home is located in an exception payment standard area, the FRHA must use the appropriate payment standard for the exception payment standard area.

(3) The payment standard for a family is the greater of:

(i) The payment standard (as determined in accordance with paragraphs (b)(1) and (b)(2) of this section) at the commencement of homeownership assistance for occupancy of the home; or

(ii) The payment standard (as determined in accordance with paragraphs (b)(1) and (b)(2) of this section) at the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.

(4) The FRHA must use the same payment standard schedule, payment standard amounts, and subsidy standards pursuant to Sec. Sec. 982.402 and 982.503 for the homeownership option as for the rental voucher program.

Homeownership expenses for a homeowner (other than a cooperative member) may only include amounts allowed by the PHA to cover:

- (i) Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;
- (ii) Real estate taxes and public assessments on the home;
- (iii) Home insurance;
- (iv) The FRHA allowance for maintenance expenses;
- (v) The PHA allowance for costs of major repairs and replacements;
- (vi) The PHA utility allowance for the home;
- (vii) Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person, in accordance with part 8 of this title; and
- (viii) Land lease payments (where a family does not own fee title to the real property on which the home is located; see Sec. 982.628(b)).

Homeownership expenses for a cooperative member may only include amounts allowed by the PHA to cover:

- (i) The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- (ii) Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;
- (iii) Home insurance;
- (iv) The PHA allowance for maintenance expenses;
- (v) The PHA allowance for costs of major repairs and replacements;
- (vi) The PHA utility allowance for the home; and
- (vii) Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person, in accordance with part 8 of this title.

Homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family. However, the FRHA has the discretion to grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

Denial or termination of assistance for family(982.638)

The FRHA shall terminate homeownership assistance for the family, and shall deny voucher rental assistance for the family, in accordance with this section.

At any time, the PHA may deny or terminate homeownership assistance in accordance with Sec. 982.552 (Grounds for denial or termination of assistance) or Sec. 982.553 (Crime by family members).

The FRHA may deny or terminate assistance for violation of participant obligations described in Sec. 982.551 or Sec. 982.633.

The PHA must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA-insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt. The PHA, in its discretion, may permit the family to move to a new unit with continued voucher rental assistance. However, the PHA must deny such permission, if:

- (1) The family defaulted on an FHA-insured mortgage; and
- (2) The family fails to demonstrate that:
 - (i) The family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and
 - (ii) The family has moved, or will move, from the home within the period established or approved by HUD.

Homeownership Option: Portability (982.636)

A family may qualify to move outside the initial FRHA jurisdiction with continued homeownership assistance under the voucher program in accordance with this section.

Portability of homeownership assistance

Subject to 982.353(b) and (c), 982.552, and 982.553, a family determined eligible for homeownership assistance by the initial public housing authority may purchase a unit outside of the initial jurisdiction of the housing authority, if the receiving housing authority is administering a voucher homeownership program and is accepting new homeownership families.

Homeownership Option: Administrative Fees (982.639)

The ongoing administrative fee described in 982.153(b) is paid to the housing authority for each month that homeownership assistance is paid by the housing authority on behalf of the family.

Appendix 5 One Strike Policy

RESOLUTION NO. 191

BE IT RESOLVED BY THE MEMBERS OF THE FALL RIVER HOUSING AUTHORITY:

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That the Board of Commissioners of the Fall River Housing Authority hereby adopts the following policies in connection with the Public Housing Management Assessment Program (PHMAP), in accordance with Indicator Number 8 in the PHMAP process relative to Security as all individuals have the right to live in peace and be free from fear, intimidation and abuse; and because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded to responsible individuals.

Prevention through Screening - The Board of Commissioners hereby adopts the policy of requiring the screening of all applicants for Fall River Housing Authority Federally Aided Housing Programs, admission will be denied to all applicants who fail the following:

- a. A CORI (Criminal Offender Record Information) check will be performed on all applicants and household members who are eighteen (18) years of age or older.
- b. Where necessary and appropriate, the Fall River Housing Authority will perform criminal background checks utilizing NCIC (National Criminal Information Center) information available to Public Housing Authorities.
- c. Any criminal activity reported that includes crimes to persons or property and other criminal acts, which, if exhibited while a resident of public housing, would adversely affect the life, health, safety, security, welfare, or peaceful enjoyment of other tenants or adversely affect the physical environment of the resident, community or Fall River Housing Authority personnel. Any drug-related activity which causes the Fall River Housing Authority to reasonably believe that the applicant or household member is illegally using, selling or possessing, shall be automatic grounds for rejection of the applicant.
- d. All applicants and any household members eighteen (18) years of age or older that have been evicted from public housing or assisted housing under the United States Housing Act of 1937 within the last three (3) years for drug-related criminal activity will be rejected for occupancy.
- e. Evidence of the completion of a rehabilitation program may be considered by the Fall River Housing Authority in determining eligibility.
- f. Landlord references will be obtained to determine if the applicant exhibits activity which is conducive to that of a public housing residency. Factors to be considered are:
 1. Applicants that caused disturbances in a prior residence.
 2. Applicant has caused damage or destruction of property to a prior residence.
 3. Applicant has had poor housekeeping at a prior residence.
 4. Applicant has a history of non-payment of rent.
 5. Applicant has a history of failing to meet lease terms.
- g. If after performing any background checks of applicants, the Fall River Housing Authority reasonably believes that the applicant or household member has a history of alcohol abuse which would interfere with the health, safety or right of peaceful enjoyment of the premises by other residents, the Fall River Housing Authority will reject said applicant for public housing.
- h. The Fall River Housing Authority may perform any such credit or tenant history checks that it believe will yield it information on the proposed tenancy of the applicant.

Enforcement of Lease - The Board of Commissioners hereby adopts the policy that the following is to be considered as grounds for the termination of a Lease:

- a. The Fall River Housing Authority has reasonable cause to believe that the resident engages in drug-related criminal activity (42 USC 1437d(1)) on or off the premises not just near or on the premises;
- b. The Fall River Housing Authority has reasonable cause to believe that the resident engages in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or Fall River Housing Authority personnel; and
- c. The Fall River Housing Authority has reasonable cause to believe that the resident abuses alcohol in such a way that may interfere with the safety, health or right to peaceful enjoyment of the premises by other residents or Fall River Housing Authority personnel.

Tracking of Crime - The Board of Commissioners hereby adopts the policy requiring the Fall River Housing Authority to track crime and crime-related problems in its developments and will track and report incidents of crime to the local police authorities to improve law enforcement and crime prevention. (The Fall River Police Department is currently tracking all crime in our developments and management meets monthly with the Fall River Police Department to report any incidents of crime to the Fall River Police Department.)

