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HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

1.0 EQUAL OPPORTUNITY

1.1 *FAIR HOUSING*

It is the policy of Marinette County Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the ground of race, color, sex, religion, handicap, disability national or ethnic origin, family status, actual or perceived sexual orientation, gender identity, or marital status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Marinette County Housing Authority housing programs.

To further its commitment to full compliance with applicable Civil Rights laws, Marinette County Housing Authority will provide HUD participants in the Housing Choice Voucher (HCV) Program information regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available at the time of the briefing, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Marinette County Housing Authority office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Housing Authority will assist any family that believes they have suffered illegal discrimination by providing them copies of the housing discrimination form. The Housing Authority will also assist them in completing the form, if requested, and will provide them with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

1.2 *REASONABLE ACCOMMODATION*

A tenant or applicant is entitled to a reasonable accommodation in any rule, practice, policy, or service when the reasonable accommodation is needed because of a disability of the applicant, tenant, or family member. Tenants or applicants may make written request for reasonable accommodations. If an accommodation is needed because of a disability and is reasonable it must be granted. An accommodation shall be deemed reasonable when it does not create an undue financial or administrative burden and does not fundamentally change the housing program. When a tenant receives a reasonable accommodation the regular rules, practices,

policies, and services are still followed for all other household members, who do not need the accommodation for a disability.

For this purpose the definition of disability is different from that for admission. A disability is a physical or mental impairment which substantially limits one or more major life activities. More serious medically-treated conditions are considered disabilities for this purpose. The tenant or applicant may be asked for information to verify the need for the reasonable accommodation. The reasonable accommodation requested must be related to the disability. All such information received shall be kept confidential.

The written request for reasonable accommodation shall include documentation from a medical provider or service agency of the need for the accommodation and how it relates to one's disability.

If a request is denied the Housing Authority shall provide an explanation for in writing. In addition, the applicant shall be notified of the right to request an informal hearing if they dispute the determination of the request for reasonable accommodation.

All applicants shall receive information on reasonable accommodation at the time of their briefing.

1.3 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND PARTICIPANTS

The Housing Authority shall provide translation services to applicants and/or participants who speak languages other than English in order to assist non-English speaking families. The following languages shall be covered at no cost to the family:

(Hmong and Spanish)

In order to comply with written translation obligation the Housing Authority will provide written translations of vital documents for each language group (Hmong and Spanish). Translation of other documents, if needed, can be provided by oral interpretation of those written materials, free of cost.

1.4 PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the Housing Authority to ensure that persons with disabilities related to hearing and vision have reasonable access to the Housing Authority's programs and services. The Housing Authority shall inform all applicants of alternative forms of communication that can be used. Additional examples of alternative forms of communication are, hearing impairment devises, vision impairment large print, sign language, having material explained orally by staff, or third party.

1.5 FAMILY/OWNER OUTREACH

The Housing Authority will publicize the availability and nature of the Housing Choice Voucher Program for extremely low-income, very low and low-income families in a newspaper of general circulation when deemed appropriate.

The Housing Authority will communicate the status of program availability to other service providers in the community and advise them of housing eligibility factors and guidelines so that they can make proper referral of their clients to the program. The Housing Authority will also provide applications to agencies that serve Marinette County

If outreach procedures do not initially produce the targeted number of applicants, additional emphasis will be placed on reaching those families found least likely to apply, yet most likely to benefit from the program.

The Housing Authority will periodically hold briefings for owners who participate in or who are seeking information about the Housing Choice Voucher Program. Owners and managers participating in the Program will be encouraged to participate in making this presentation.

The Housing Authority shall allow landlords to list available properties in our office to encourage all landlords to work with our program. It is no charge to Landlords for this.

1.6 RIGHT TO PRIVACY

All adult members of both applicant and participant households are required to sign HUD Form 9886, *Authorization for Release of Information and Privacy Act Notice*. The *Authorization for Release of Information and Privacy Act Notice* states how family information will be released and includes the *Federal Privacy Act Statement*.

Any request for applicant or participant information will not be released unless there is a signed release of information request from the applicant or participant.

1.7 REQUIRED POSTINGS

The Housing Authority will post in its office in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Notice of the status of the waiting list (opened or closed)
- B. Addresses, telephone numbers, fax numbers, email address, and hours of operation
- C. Fair Housing Poster

The Housing Authority shall have available upon request

- A. Section 8 Housing Choice Voucher Administrative Plan
- B. Informal Hearing Procedures

2.0 HOUSING AUTHORITY/OWNER RESPONSIBILITY/OBLIGATION OF THE FAMILY

This Section outlines the responsibilities and obligations of the Housing Authority, the Housing Choice Voucher Owners/Landlords, and the participating families.

2.1 HOUSING AUTHORITY RESPONSIBILITIES

- A. The Housing Authority will comply with the consolidated ACC, the application, HUD regulations and other requirements, and the Housing Authority Housing Choice Voucher Administrative Plan.
- B. In administering the program, the Housing Authority must:
 - 1. Publish and disseminate information about the availability and nature of housing assistance under the program;
 - 2. Explain the program to owners and families;
 - 3. Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;
 - 4. Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;
 - 5. Affirmatively further fair housing goals and comply with equal opportunity requirements;
 - 6. Make efforts to help disabled persons find satisfactory housing;
 - 7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a voucher to each selected family, and provide housing information to families selected;
 - 8. Determine who can live in the assisted unit at admission and during the family's participation in the program;
 - 9. Obtain and verify evidence of citizenship and eligible immigration status.
 - 10. Review the family's request for tenancy approval and the owner/landlord lease, including the HUD prescribed tenancy addendum;
 - 11. Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;
 - 12. Determine the amount of the housing assistance payment for a family;
 - 13. Determine the maximum rent to the owner and whether the rent is reasonable;
 - 14. Make timely housing assistance payments to an owner in accordance with the HAP contract;
 - 15. Examine family income, size and composition at admission and during the family's participation in the program. The examination includes verification of income and other family information;

16. Establish and adjust Housing Authority utility allowance;
17. Administer and enforce the Housing Assistance Payments Contract with an owner, including taking appropriate action as determined by the Housing Authority, if the owner defaults (e.g., Housing Quality Standards (HQS) violation);
18. Determine whether to terminate assistance to a participant family for violation of family obligations;
19. Conduct informal reviews of certain Housing Authority decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain Housing Authority decisions concerning participant families;
21. Provide sound financial management of the program, including engaging an independent public accountant to conduct audits; and
22. Determine the eligibility of a participant by conducting a criminal background check in accordance with the federal regulations.

2.2 OWNER RESPONSIBILITY

- A. The owner is responsible for performing all the owner's obligations under the HAP contract and the lease.
- B. The owner is responsible for:
 1. Performing all management and rental functions for the assisted unit, including screening of families.
 2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
 3. Complying with equal opportunity requirements.
 4. Preparing and furnishing to the Housing Authority information required under the Housing Assistance Payment (HAP) contract.
 5. Collecting from the family:
 - a. Any security deposit required under the lease.
 - b. The tenant contribution (the part of rent to owner not covered by the HAP).
 - c. Any charges for unit damage by the family.
 6. Enforcing tenant obligations under the lease.
 7. Paying for utilities and services (unless paid by the family under the lease.)
 8. Notify the Housing Authority of any rent increase prior to execution.
 9. Notify the Housing Authority of any change in family composition.

2.3 ***OBLIGATIONS OF THE FAMILY***

- A. This Section states the obligations of a participant family under the program. Supplying required information.
1. The family must supply any information that the Housing Authority or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status.
 2. The family must supply any information requested by the Housing Authority 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 for all household members and must sign and submit consent forms.
 4. Any information supplied by the family must be true and complete.
 5. The family must cooperate in the re-certification process
 6. The family must promptly notify the Housing Authority of any family member arrest for either drug-related activity or criminal related activity.
 7. The family must allow the Housing Authority to inspect the unit at a reasonable time after reasonable notice (at least 48 hours).
 8. The family is responsible for any HQS violation caused by the family or its guest
 9. The family must provide the Housing Authority with any owner eviction notice.
 10. The house or apartment must be the family's principal residence and shall not receive duplicate Federal housing while a current program participant.
 11. The family must report any change in family composition, all new family member must be approved by the Housing Authority
 12. The family shall not assign, transfer, or sublease the unit.
 13. The family must notify in writing the landlord and Housing Authority of intent to vacate the unit. The family must comply with all lease requirement regarding notice and must notify the Housing Authority at least 30 days in advance.
 14. The family must notify the Housing Authority of any change in household income with 10 calendar days. Families must report any changes in income which is more than \$40.00 per month. The family may report any changes in income at any time
 15. The family will abide by all lease terms. The family shall not commit any serious or repeated lease violations. Serious of repeated lease violations will include, but not limited to, nonpayment of rent, disturbance to neighbors,

destruction of property by family members or household guests, housekeeping habits, and criminal activity.

16. The family must notify the Housing Authority of any absence from the unit. Absent from unit means that no family member is residing in the unit. The family member may be absent from the unit for up to thirty days. For documented medical reasons the tenant may be absent from the unit not to exceed 180 days.
17. The family may not own or have any interest in the dwelling unit. (except for owners of manufactured housing renting the manufactured home space).
18. The family or member of the family shall no commit fraud or bribery in connection to the Rental Assistance Program
19. The family or household guest shall not engage in any drug or criminal activity, or other activity that threatens the health, safety, or right of peaceful enjoyment of other residents or persons residing in the immediate vicinity of the premises.
20. The family may not receive assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister, or bother of any family member unless the Housing Authority has determined that approving such unit, notwithstanding such relationship, would provide a reasonable accommodation for a family member who is a person with disabilities.
21. The family must not engage in abuse of alcohol in a way that threatens the health, safety, or right of peaceful enjoyment of other residents or person residing in the immediate vicinity of the premises.
22. The family shall not allow any individual other than authorized family members to use the family's unit mailing address as their own. If an individual other than a family member uses the unit address as their own the Housing Authority will consider the individual an unauthorized family member and the family may have their Rental Assistance terminated.
23. The family must pay their portion of rent and utilities on time.

3.0 ELIGIBILITY FOR ADMISSION

3.1 INTRODUCTION

The following eligibility requirement must be meet for admission to the Housing Choice Voucher Program;

- Qualifies as a family
- Total income within income limits
- Provides documentation of Social Security numbers
- Meets citizenship/eligible immigrant criteria
- Signs Authorization of Release of Information document.

Meets Housing Authority screening criteria.

3.2 **ELIGIBILITY CRITERIA**

- A. The term family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity or marital status:

A single person, who may be an elderly person, displace person, disabled person, near-elderly person, or any other single person.

A group of persons residing together. Such a group includes, but is not limited to:

- A family with or without children;
- An elderly family;
- A near-elderly family;
- A displace family; and
- The remaining member of a tenant household

1. A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship.
 - a. Children temporarily absent from the home due to placement in foster care are considered family members.
 - b. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size but are not considered family members for determining income limit.
 - c. A family that does not have full custody of a child, i.e.: joint custody, the Housing Authority will require a statement that the family has 50% plus a minimum of one day custody of said child for that child to be added into the household.
2. An **elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides
3. A **near-elderly family**, which is:
 - a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
 - b. Two or more persons who are at least 50 years of age but below the age of 62 living together; or
 - c. One or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.
4. A family with **disabilities**, which is:

- a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
5. A **displaced family** is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
 6. A **remaining member of a tenant family**. This would mean that if family splits the family member that remains in the rental unit would be eligible to receive the voucher for rental assistance for such unit, when all other family members are not on the lease contract. Should the family member that remains in the unit provide a written statement that he/she releases the voucher to the family member that relocated, such family member would be eligible to relocate with the voucher assistance.
 7. A **single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
 8. A **student** (full or part-time) enrolled at an institution of higher education, under the age of 24, not a veteran, not married, and does not have dependents will only be eligible if the student and the student's parents (the parents individually or jointly) are income eligible for the student to be eligible for assistance.

Each family must identify the individuals to be included in the family at the time of application, and again at the time of the briefing and must update this information if the family's composition changes.

B. Income eligibility

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program shall be a low-income family that is:
 - a. A very low-income family;
 - b. **student full or part-time** enrolled at an institution of higher education who is under the age of 24, not a veteran, not married, does not have a dependent child. Students meeting these criteria are subject to a two-part eligibility test. Both the student and the student's parents (the parents individually or jointly) must be income eligible for the student to be eligible to receive section 8 assistance. (24CFR 5.612)

Student means all students enrolled either full-time or part time at an institution of higher education. The new law does not exempt part-time students.

Parents, for purposes of student eligibility restrictions means the biological or adoptive parents, or guardians (e.g., grandparents, aunt/uncle, godparents, etc.)

A student under the age of 24 who meets the following criteria may be income eligible for assistance where an examination of the income of the student's parents may not be relevant or where the student can demonstrate the absence of, or their independence from, parents. The following criteria must be met:

- (i) The individual must be of legal contract age under state law (18).
- (ii) The individual must have established a household separated from the parents or legal guardians for at least one year prior to application for assistance or the individual meets the U.S. Department of Education's definition of an independent student. (See Definition below).
- (iii) The individual must not be claimed as a dependent by parents or legal guardian pursuant to IRS regulations.
- (iv) The individual must obtain financial certification of the amount of financial assistance the parents will provide, and signed by the individual providing the support. This certification is required even if no assistance will be provided.

Independent Student, a student must meet one or more of the following criteria:

- (i) Be at least 24 years of age by December 31, of the award year for which aid is sought
 - (ii) Be an orphan or a ward of the court through the age of 18
 - (iii) Be a veteran of the United States Armed Forces
 - (iv) Be a graduate or professional student or
 - (v) Be married
2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease.
 3. The applicable income limit is the very-low income limit for the family size for Marinette County.
 4. Families moving into the Housing Authority's jurisdiction under portability and are already program participants at their initial housing authority must meet the income eligibility requirement for Marinette County.
 5. Income limit restrictions do not apply to families transferring units within the Housing Authority Section 8 Program jurisdiction.

C. Citizenship/Eligible Immigrant status

To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

Family eligibility for assistance.

1. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
2. Despite the ineligibility of one or more family members, a mixed family may be eligible for assistance.

D. Social Security Number Documentation

To be eligible, family members must provide a Social Security Card or immigration documentation for all household members or certify that they do not have one.

In addition family members shall provide the Housing Authority with Birth Certificates of all household member or other form of ID approved by the Housing Authority.

E. Family Relationships

Family relationships are verified only to the extent necessary to determine a family's eligibility and voucher size. Certification by the head of household normally is sufficient verification of family relationships.

Marriage: Certification by the head of household as to marital status is sufficient unless reasonable doubts about the marital relationship are apparent. If there is doubt, the Housing Authority will require documentation of the marriage by producing a valid marriage certificate.

Separation or Divorce: Certification by the head of household as to marital status is sufficient unless there are reasonable doubts regarding the separation or divorce. If there are doubts, the Housing Authority will require the family to produce a certified copy of a divorce decree, signed by a court officer, a copy of court ordered maintenance, or documentation from a community-based agency.

Absence of Adult Member: If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer in the household. Documentation of another address at which the person resides such as a lease or utility bill will be required.

Foster Children and Foster Adults: Third party verification from the state or local government agency responsible for the placement of the individual with the family is required.

F. Signing Consent Forms

In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, must sign a Authorization for the Release of Information/Privacy Act Notice form.

G. Housing Authority Screening

In determining eligibility the following factors shall apply:

1. Any person evicted from Public Housing, Indian Housing, Section 23, of any Section 8 Program, with the last ten years shall be denied eligibility
2. An individual who owes another Public Housing Authority money and does not have an up to date repayment agreement shall be denied eligibility.
3. A determination that the applicant is illegally using or distributing a controlled substance (as defined in Section 102 of the Controlled Substances Act:21 U.S.C. 802) shall be denied eligibility
4. A history of criminal activity involving crimes of physical violence to persons or property of a record of other criminal acts is not eligible. In determining eligibility under this Section the Housing Authority shall look back three years. In reviewing applicant's history a single misdemeanor does not necessarily find an individual ineligible. The Housing Authority will take in consideration the type of crime and when it occurred.
5. A family in which a family member was convicted of a felony within the last seven years shall be found ineligible.

In determining eligibility for admissions the Housing Authority shall rely upon, but not limited to, the following sources of information Housing authority records, Police records which include CCAP (Wisconsin Circuit Court Access), United States Department of Justice National Sex Offender Registry, EIV date (Former Tenant Search) and other Public Housing Authorities.

The Housing Authority reserves the right to admit or deny applicants on a case by case basis depending on the seriousness of the activity, the pattern of the criminal activity, the continuous acts of criminal activity, and any rehabilitation received or completed. The above lists only an example of the discretion of case by case basis and may include other circumstances.

Additional screening is the responsibility of the owner. Upon the request of a prospective owner, the Housing Authority will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

4.0 WAITING LIST

4.1 OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced via public notice that applications for the Housing Choice Voucher Program will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation and will be posted in the Housing Authority main office.

Closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed. The public notice will be published in a local newspaper of general circulation.

Opening and closing of the Waiting List shall require Board action.

4.2 *TAKING APPLICATIONS*

Families wishing to apply for the Housing Choice Voucher Program will be required to complete a Preliminary Tenant Application for housing assistance. Applications will be accepted during regular business hours at 926 Main Street, Wausauke, WI 54177 or mailed, faxed, or emailed to the Housing Authority. Applications are taken to compile a waiting list.

The Housing Authority has also supplied different service agencies with applications so that the clientele served by these agencies will have access to complete an application for rental assistance at such agency with the assistance of the worker there.

When the waiting list is open, completed applications will be accepted from all applicants. The Housing Authority will later verify the information in the applications relevant to the applicant's eligibility, admission, and level of benefit.

Applications may be made in person at the office of the Housing Authority on Monday through Friday, 8:00 AM to 4:00 PM. Applications will be mailed, emailed or faxed to interested families. The completed application will be dated and time stamped upon its return to the Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing an application may call Housing Authority to make special arrangements to complete their application.

The application process will involve two phases. The first phase is the initial application for housing assistance or the Preliminary Tenant Application. The Preliminary Tenant Application requires the family to provide limited basic information including name, address, phone number, family composition, and family unit size, racial or ethnic designation of the head of household, and income category. This first phase results in the family's placement on the waiting list.

Upon receipt of the families Preliminary Tenant Application, the Housing Authority will make a preliminary determination of eligibility. The Housing Authority will notify the family in writing of the date of placement on the waiting list and the approximate amount of time before housing assistance may be offered. If the Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity for an informal review of this determination. Final determination of eligibility will be completed prior to issuing a voucher.

4.3 *WAITING LIST*

The Housing Authority shall maintain one waiting list for all families. Applicants shall be assigned their place on the waiting list based on the time and date their application is received.

4.4 TOP OF THE WAITING LIST

The family shall be notified in writing that they reached the top of the waiting list. The family must contact the Housing Authority to schedule a briefing. It is at this time the Housing Authority will determine final eligibility. All adult family members must attend the briefing. The briefing provides the Family with the necessary knowledge regarding the program guidelines, rules and regulation and family responsibilities. Briefing will be held 926 Main Street, Wausauke, WI 54177. A person with a disability may request a reasonable accommodation, and briefing may be held at another site.

The family must provide the Housing Authority with Social Security Cards and Birth certificates or other acceptable substitute document at this time.

It is the family's responsibility to notify the Housing Authority of any change in address while they are on the waiting list. This must be done in writing

4.5 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial.

The Housing Authority will allow the family to reschedule appointments for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities for good cause. When a good cause exists, the Housing Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review if they disagree with the decision of being removed from the waiting list.

The Housing will require applicants to give 24 hours notice to cancel an appointment unless there is an emergency beyond the family's control. Failure to give 24 hours notice to cancel an appointment without good cause could result in termination of assistance.

4.6 PURGING THE WAITING LIST

The Housing Authority will update and purge its waiting list as deemed necessary due to length of the waiting list.

4.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments; or
- C. The applicant does not meet either the eligibility or screening criteria for the program.

4.8 GROUNDS FOR DENIAL

The Housing Authority will deny assistance to applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;

- C. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property, and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or wellbeing of other tenants or staff, or cause damage to the property.
- F. Currently owe rent or other amounts to any Housing Authority in connection with the Public Housing or Voucher Program and is not under a payback agreement. If a family owes any amounts to a Housing Authority, as a condition of admission and or continued assistance, the Housing Authority will require repaying the full amount or entering into a repayment agreement.
- G. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- H. Have a family member who was evicted from Public Housing within the last ten years;
- I. Have a family member who was evicted from assisted housing within ten years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell or distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
- J. Have a family member who 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:
- K. Have engaged in or threatened abusive or violent behavior towards any Housing staff or residents;
- L. Have a family household member who has been terminated under the Housing Choice Voucher Program during the last ten years;
- M. If an applicant is a Register Sex Offender.

4.9 POLICIES FOR CRIMINALS AND SUBSTANCE ABUSERS

Housing Authority MUST deny for the following:

- A. If any household member has been evicted from federally assisted housing for drug-related criminal activity;
 - 1. This applies for a period of 10 years from the date of eviction;
 - 2. The Housing Authority must deny admission if the Housing Authority determines that any household member is currently engaging in illegal drug use;

3. If the Housing Authority has reasonable cause to believe that any household member's use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the Housing Authority must deny admission of the family;
4. The Housing Authority must deny admission if there is cause to believe that any household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.

The Housing Authority MAY at any time deny assistance to a family for reasons including:

1. If family violates any family obligation;
2. If any family member has been evicted from federally-assisted housing in the last ten years;
3. If a Public Housing Authority has ever terminated assistance under the Voucher program for any member of the family;
4. If any family member commits fraud, bribery, or other corrupt or criminal act regarding any federal housing program;
5. If the family currently owes rent or other amount to Housing Authority or another housing authority in connection with the voucher or public housing programs and the family does not have a current repayment agreement in place;
6. If the family has not reimbursed any Housing Authority for amount paid to an owner under a HAP contract for:
 - a. Rent;
 - b. Other amounts owed by family under the lease;
 - c. Marinette County Housing may offer a family the opportunity for a repayment agreement and describe the terms of such agreement.
7. If the family breaches an agreement with Housing to pay amounts owed to Housing or amounts paid to an owner by Housing.
8. Housing Authority may deny assistance to a participating individual or family that wishes to relocate with the Housing Choice Voucher if they owe the previous landlord under the Housing Choice Voucher program any money for unpaid rent, utilities or damages to the unit over and above the security deposit collected by such landlord, and said documentation is given to a Housing Authority.
9. If the family has engaged in or threatened abusive or violent behavior towards Housing Authority personnel.

4.10 NOTIFICATIONS OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority, in writing, that they have ten (10) business days, from the date of the written correspondence, to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the time frame specified. The Authority's system of removing applicants'

names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the Housing Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Housing Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

4.11 *INFORMAL REVIEW*

If the Housing Authority determines that an applicant does not meet the criteria for receiving rental assistance, the Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision, and state that the applicant may request an informal review of the decision within ten (10) business days of the denial. The Housing Authority will describe how to obtain the informal review.

5.0 SELECTING FAMILIES FROM THE WAITING LIST

5.1 *WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS*

The Housing Authority shall maintain one waiting lists for all families and admit applicants to the program based on date and time applicant was placed on the waiting list. It is the family's responsibility to notify the Housing Authority of any change in address while on the waiting list.

If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the Housing Authority will use the assistance for those families.

The Housing Authority will screen families in accordance with policies stated in the Administrative Plan

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year are families who are extremely low-income, the Housing Authority retains the right to skip higher income families on the waiting list to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families and the income of the families on the waiting list.

5.2 *FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY*

The Housing Authority has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up. However, if a court determines the disposition of property between members of the assisted family in a divorce or separation decree, the Housing Authority is bound by the court's determination of which family members continue to receive assistance.

The person who places their name as the Head of Household on the application will be used as the Head of Household for the family and will be the Voucher Holder unless a change is requested by the family or a change is made at the discretion of the Housing Authority.

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

If a family splits while on the waiting list or while receiving assistance the following criteria will be used in determine who remains on the waiting list or retains the voucher. Where minor children or dependents are involved the adult household with custody or placement of the minors or dependents will assigned the place on the waiting list or voucher. In all other cases the Head of household will be assigned the place on the waiting list or voucher.

The head of household may assign in writing, the spouse or other adult household member listed on the application or listed as a household member with the Housing Authority be given the place on the waiting list or voucher holder

5.3 HEAD OF HOUSEHOLD

Head of Household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The Head of Household is responsible for ensuring that the family fulfills all responsibilities under the program, alone or in conjunction with a co-head or spouse.

The Housing policy is such that the family may designate any qualified family member as the head of household.

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

5.4 SPOUSE, CO-HEAD AND OTHER ADULT

A family may have a spouse or co head, but not both

Spouse means the marriage partner of the Head of Household.

A marriage partner includes the partner in a “common law” marriage as defined in state law. The term “spouse” does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A co head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all responsibilities under the program, but who is not a spouse. A family can only have one co head.

Minors who are emancipated under state law may be designated as a co-head.

Other adult means a family member, other than the head, spouse, or co head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

5.5 GUESTS

A guest can remain in the assisted unit no longer than 10 consecutive days, or 14 days in any 60-day period. If a guest remains in the household after the 10 days or 14 days in a 60-day

period, guest policy time frame, the guest is now considered an “unauthorized household member” The guest will need to leave the household or the family may go through the proper procedure for adding a new household member. The individual will be subject to all of the same screening criteria as the original household members and their income will be counted as household income.

If the family allows a guest to stay past ten (10) consecutive days or 14 days in any 60-day period and does not begin approval from both their Landlord and the Housing Authority to have the guest added as a household member, the family is subject to termination from the program for allowing “unauthorized” household members to reside in their unit.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges that are not included as a family member because they live outside of the assisted household more than 50 percent of the time, are not subject to the time limitations of guests.

A family may request an exception to this policy for valid reasons (care of a relative recovering from a medical procedure) An exception will not be made unless the family submits the request to the Housing in writing prior to the guest arriving and can provide to the Housing documentation of the residence to which the guest will return and when.

5.6 *LIVE-IN AIDE*

Live-in aide means a person who resides with one or more elderly persons, near elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services.

A family’s request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member.

Live-in aides must pass the same screening that Applicants and all adult family members must pass. The Housing Authority will not approve a person as a live-in aide if the individual does not pass the screening. and may withdraw such approval if the designated individual does not pass the same screening as an applicant.

Within ten (10) business days of receiving a request for a live-in aide, including all required documentation related to the request, the Housing Authority will notify the family of its decision in writing.

6.0 ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)

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

- A. The bedroom size should not require more than two persons to occupy the same bedroom.
- B. The bedroom size assigned should not require persons of the opposite sex other than husband and wife to occupy the same bedroom other than infants and very young children.

- C. The bedroom size should not require children of the same sex and an age difference of more than four years, to occupy the same bedroom.
- D. A live-in aide who is not a member of the family should not be required to share a bedroom.

These principles result in the following standards:

Number of Bedrooms	Number of persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

In determining bedroom size, the Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school or temporarily in foster-care.

The Housing Authority will grant exceptions to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a medical reason why the larger size is necessary. The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is apparent or otherwise known.

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

The family unit size will be determined by the Housing Authority in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

6.1 BRIEFING

When the Housing Authority selects a family from the waiting list, the family will be invited to make an appointment for a briefing explaining how the program works. In order to receive a voucher the family is required to attend the briefing. If a family does not attend the originally scheduled briefing, they will be given an opportunity to schedule another briefing. If the family fails to attend two briefings without good cause, they will be denied admission.

If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, the Housing Authority will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or in an undue financial or administrative burden. In determining the most suitable auxiliary aid, the Housing Authority will give primary consideration to the requests of the applicant.

Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate location.

Individual briefings will be conducted. The head of the household is required to attend the briefing, although all adult household members are encouraged to attend. If the head of the household is unable to attend, the Housing may approve another adult family member to attend the briefing.

Briefings will be conducted in English. For limited English proficient applicants, the Housing will provide translation services, which can be another family member.

Tenants shall be notified by mail that they are on the top of the waiting list and should contact the Housing Authority to schedule a briefing. If the notice is returned by the post office with no forwarding address, a notice of removal from the waiting list will be sent to the family's last known address.

The briefing will cover at least the following subjects:

- A. A description of how the program works;
- B. Family and owner responsibilities;
- C. Where the family may rent a unit, including inside and outside the Housing Authority's jurisdiction;
- D. Types of eligible housing;
- E. An explanation of the advantages of living in an area that does not have a high concentration of poor families; and
- F. Reasonable accommodation;

6.2 PACKET

During the briefing, the Housing Authority will give the family a packet covering at least the following subjects:

- A. The term of the voucher and the Housing Authority's policy on extensions. The packet will include information on how to request an extension;
- B. How the Housing Authority determines the housing assistance payment and total tenant payment for the family;
- C. Information on the payment standard, exception payment standard, and the utility allowance schedule;
- D. How the Housing Authority determines the maximum rent for an assisted unit;
- E. Portability information
- F. The HUD brochure on how to select a unit ("A Good Place to Live");
- G. The HUD-required lead-based paint brochure;
- H. HUD Resident Rights and Responsibilities brochure;
- I. HUD *EIV and You* brochure;
- J. Copy of the Housing Discrimination complaint form;
- K. Information on Fraud in Public Housing;

- L. Debts owed to Public Housing Agencies and Termination form;
- M. VAWA information, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking form (HUD -50066)
- N. A list of landlords or other parties known to the Housing Authority who may be willing to lease a unit to the family or help the family find a unit;
- O. The family's obligations under the program;
- P. Housing Authority informal hearing procedures, including when the Housing Authority is requested to provide an opportunity for an informal hearing, and information on how to request a hearing

6.3 *ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY*

Once all family information has been verified, their eligibility determined, their subsidy calculated, and they have attended the family briefing, the Housing Authority will issue the voucher. At this point the family begins their search for a unit.

When the family finds a unit that the owner is willing to lease under the program, the family and the owner will complete and sign a proposed lease, disclosure on information of lead-based paint, and the request for tenancy approval form. The family will submit the request form to the Housing Authority during the term of the voucher. The Housing Authority will review the request and make an initial determination of approval of tenancy. The Housing Authority may assist the family in negotiating changes that may be required for the tenancy to be approvable. Once it appears the tenancy may be approvable, the Housing Authority will schedule an appointment to inspect the unit within 10 days after the receipt of inspection request from the family and owner. The 10-day period is suspended during any period the unit is unavailable for inspection. The Housing Authority will promptly notify the owner and the family whether the unit and tenancy are approvable.

The Housing Authority will council new landlords/owners on the Housing Choice Voucher regulations in relation to owner responsibility, Tenant responsibility, and Housing Authority responsibility under the Housing Assistance Payment Contract. The Housing Authority may provide the landlord with a history and information in relation to prior program leases violations and information relevant to a voucher holders history of or ability to comply with standard lease terms.

6.4 *TERM OF THE VOUCHER*

The initial term of the voucher will be 60 days and will be stated on the Housing Choice Voucher.

Expiration of the Certificate shall not preclude the Authority from extending the certificate for up to an additional 60 days upon submission of such request by the family prior to the original expiration date.

The Voucher shall be issued to the adult family member who signs the Preliminary Application. This individual may assign the voucher to any adult family member listed on the Preliminary Application, or in cases where the family is under a Housing Assistance Payment Contract to any adult household member.

When children or dependents are involved the voucher shall be assigned to the adult family member with custody of the children or dependents. In case of joint custody the voucher shall be assigned as determined by the Executive Director

Upon submittal of a completed request for approval of tenancy form, the Housing Authority will suspend the term of the voucher. The term will be in suspension until the date the Housing Authority provides notice that the request has been approved or denied. A family may submit a second request for approval of tenancy before the Housing Authority finalizes action on the first request. In this case the suspension will last from the date of the first submittal through the Housing Authority's action on the second submittal. No more than two requests will be concurrently considered. A voucher may be used at a voucher holder's current residence if it qualifies.

6.5 APPROVAL TO LEASE A UNIT

The Housing Authority will approve a lease if all the following conditions are met:

- A. The unit is eligible;
- B. The unit is inspected by the Housing Authority and passes HQS;
- C. The lease is approvable and includes the language of the tenancy addendum;
- D. The rent to owner is reasonable;
- E. The family's share of rent does not exceed 40% of their monthly-adjusted income;
- F. The owner has not been found to be barred, suspended, or subject to a limited denial of participation by HUD or the Housing Authority;
- G. The owner is not related to any member of the family according to HUD regulations, unless the family has a disabled family member according to HUD criteria; and
- H. The family continues to meet all eligibility and screening criteria.

The first term of the lease must be for one year.

If tenancy approval is denied, the Housing Authority will advise the owner and the family in writing and advise them also of any actions they could take that would enable the Housing Authority to approve the tenancy.

The Housing Authority will prepare the Housing Assistance Payment contract when the unit is approved for tenancy. Upon receipt of the executed lease and the signed Housing Assistance Payment contract by the landlord, the Housing Authority will execute the contract. The Housing Authority will not pay any housing assistance to the owner until the contract is executed.

In no case will the contract be executed later than 60 days after the beginning of the lease term.

6.6 HOUSING AUTHORITY DISAPPROVAL OF OWNER

The Housing Authority will deny participation by an owner at the direction of HUD. The Housing Authority will also deny the owner's participation for any of the following reasons:

- A. The owner has violated any obligations under Housing Assistance Payments Contract;

- B. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- C. The owner has engaged in drug-related criminal activity or any violent criminal activity;
- D. The owner has a history or practice of non-compliance with HQS for units leased under the Housing Choice Voucher program.
- E. The owner has a history or practice of renting units that fail to meet State or local codes; or
- F. Other conflicts of interest under Federal, State, or Local law.
- G. The owner has a history of not showing for inspection appointments when it is required for an Initial Inspection or a new unit.

6.7 INELIGIBLE/ELIGIBLE HOUSING

The following types of housing cannot be assisted under the Voucher Program:

- A. A public housing or Indian housing unit;
- B. A unit receiving other project-based assistance;
- C. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- D. College or other school dormitories;
- E. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- F. A unit occupied by its owner. This restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space; and
- G. A unit receiving any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit.

The Housing Authority will not approve a lease for any of the following special housing types, except as a reasonable accommodation or special admission for a family with disabilities:

- A. Congregate housing
- B. Group homes
- C. Shared housing
- D. Cooperative housing
- E. Single room occupancy housing

The Housing Authority will approve leases for the following housing types:

- A. Single family dwellings
- B. Apartments

- C. Manufactured housing
- D. Manufactured home space rentals

6.8 SECURITY DEPOSIT

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, the owner, subject to State or Local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

If the security deposit is insufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

7.0 TRANSFER OF ASSISTANCE

Participating families are allowed to move to another unit **after the initial 12 months has expired**, if the landlord and the participant have mutually agreed to terminate the lease or if the Housing Authority has terminated the HAP contract. The Housing Authority will issue the family a new voucher if the family does not owe the Housing Authority or any other Housing Authority money, has not violated a Family Obligation, and if the Housing Authority has sufficient funding for continued assistance.

7.1 WHEN A FAMILY MAY MOVE

For families already participating in the Housing Choice Voucher Program, the Housing Authority will allow the family to move to a new unit if:

- A. The assisted lease for the old unit has terminated;
- B. The owner has given the tenant a notice to vacate;
- C. The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner);
- D. The tenant is in good standing with the previous landlord, i.e.: does not owe the previous landlord any money for unpaid rent, damages, utilities, etc.

7.2 PROCEDURES REGARDING FAMILY MOVES

Families considering transferring to a new unit will be scheduled to attend a mover's briefing. All families who are moving, including any families moving into or out of the Housing Authority's jurisdiction, will be required to attend a mover's briefing prior to the Housing Authority entering a new HAP contract on their behalf.

This briefing is intended to provide the following:

- A. A refresher on program requirements and the family's responsibilities. Emphasis will be on giving proper notice and meeting all lease requirements such as leaving the unit in good condition;
- B. Information about finding suitable housing and the advantages of moving to an area that does not have a high concentration of poor families;
- C. Payment standards, exception payment standard rent areas, and the utility allowance schedule;
- D. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income;
- E. Portability requirements and opportunities;
- F. The need to have a reexamination conducted within 120 days prior to the move;
- G. An explanation and copies of the forms required to initiate and complete the move; and
- H. All forms and brochures provided to applicants at the initial briefing.

Families are required to give proper written notice of their intent to terminate the lease. In accordance with HUD regulations, no notice requirement may exceed 60 days. During the initial term, families may not end the lease unless they and the owner mutually agree to end the lease. If the family moves from the unit before the initial term of the lease ends without the owner's and the Appleton Housing Authority's approval, it will be considered a serious lease violation and subject the family to termination from the program.

The family is required to give the Housing Authority a copy of the notice to terminate the lease at the same time as it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to the Housing Authority will be considered a violation of Family Obligations and may cause the family to be terminated from the program.

A family who gives notice to terminate the lease must mail the notice by certified mail or have the landlord or his agent sign a statement stating the date and time received. The family will be required to provide the certified mail receipt and a copy of the lease termination notice to the Housing Authority, or a copy of the lease termination notice and the signed statement stating the date and time the notice was received. If the landlord or his/her agent does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made.

Failure to follow the above procedures may subject the family to termination from the program.

8.0 PORTABILITY

8.1 GENERAL PORTABILITY POLICIES

A family whose head or spouse has a legal residence in the Marinette County at the time the family submits its Preliminary Tenant Application may lease a unit in Marinette County or anywhere outside our jurisdiction.

If the head or spouse of the assisted family does not have a legal residence in Marinette at the time of its Preliminary Application, the family will not have any right to lease a unit outside of the Housing Authority jurisdiction for a 12-month period beginning when the family is first

admitted to the program. During this period, the family may only lease a unit in Marinette County

Families participating in the Voucher Program will not be allowed to move more than once in any 12-month period and under no circumstances will the Housing Authority allow a participant to improperly break a lease.

Families may only move to a jurisdiction where a Voucher Program is being administered.

If a family has moved out of their assisted unit in violation of the lease, the Housing Authority will not issue a voucher, and will terminate assistance.

8.2 INCOME ELIGIBILITY

A family must be income-eligible to transfer their voucher to Marinette County. If a family is already a participant in the Initial Housing Authority Voucher Program, Income eligibility is not re-determined.

8.3 PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY

When a family utilizes portability to move to an area outside the Initial Housing Authority jurisdiction, another Housing Authority (the Receiving Housing Authority) must administer assistance for the family if that Housing Authority has a tenant-based program covering the area where the unit is located.

A Housing Authority with jurisdiction in the area where the family wants to lease a unit must issue the family a voucher. If there is more than one such housing authority, the family shall choose which Housing Authority shall become the Receiving Housing Authority.

8.4 PORTABILITY PROCEDURES

A. When Marinette County Housing Authority is the Initial Housing Authority:

1. The Housing Authority will brief the family on the process that must take place to exercise portability.
2. The Housing Authority will advise the family how to contact and request assistance from the Receiving Housing Authority.
3. The Housing Authority will request from the Receiving Housing Authority information on whether they will absorb or bill Marinette County Housing Authority.
4. Upon written request for portability the Housing Authority will within 10 days mail to the Receiving Housing Authority the most recent HUD Form 50058 (Family Report) for the family and related verification information.
5. If the receiving Housing Authority decides to bill Marinette County Housing for the family and the Housing Authority has not received an initial billing notice from the receiving Housing Authority by the deadline specified on form HUD 52665, it will contact the receiving Housing Authority by phone, fax, or e-mail. If the Housing Authority reports that the family is not yet under HAP contract, the Housing will inform the receiving Housing Authority that it will not honor a late billing submission and will return any subsequent billings that it receives on

behalf of the family. The Housing will send the receiving Housing Authority a written confirmation of its decision by mail.

The Housing will allow an exception to this policy if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving Housing Authority.

B. When Marinette County Housing Authority is the Receiving Housing Authority:

1. When a portable family requests assistance from the Housing Authority, the Housing Authority will within ten (10) calendar days inform the Initial Housing Authority whether it will bill the Initial Housing Authority for assistance on behalf of the portable family or absorb the family into its own program. When the Housing Authority receives a portable family, the family will be absorbed if funds are available and a voucher will be issued.
2. The Housing Authority will issue a voucher to the family. The term of the Housing Authority's voucher will not expire before the expiration date of any Initial Housing Authority's voucher. The Housing Authority may extend the expiration date 30 day beyond the initial Housing Authority expiration date. The family must submit a request for tenancy approval to the Housing Authority during the term of the Housing Authority's voucher.
3. The Housing Authority will determine the family unit size for the portable family. The family unit size is determined in accordance with the Marinette County Housing Authority's policy.
4. The Housing Authority will within ten (10) calendar days notify the Initial Housing Authority if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.
5. If the Housing Authority opts to conduct a new reexamination, the Housing Authority will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility.

C. Absorption by the Housing Authority

If funding is available under the consolidated ACC for the Housing Authority's Voucher Program when the portable family is received, the Housing Authority will absorb the family into its Voucher Program.

D. Portability Billing

1. To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees. The billing procedure will be as follows:
 - a. As the Initial Housing Authority, Marinette County Housing Authority will promptly reimburse the Receiving Housing Authority for the full amount of the housing assistance payments made by the Receiving Housing Authority for the portable family. The amount of the housing

assistance payment for a portable family in the Receiving Housing Authority's program is determined in the same manner as for other families in the Receiving Housing Authority's program.

- b. The Initial Housing Authority will promptly reimburse the Receiving Housing Authority for 80% of the Initial Housing Authority's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs and is assisted by the Receiving Housing Authority. If both Housing Authorities agree, they may negotiate a different amount of reimbursement.

E. When a Portable Family Moves

1. When a portable family moves out of the tenant-based program of a Receiving Housing Authority that has not absorbed the family, the Housing Authority in the new jurisdiction to which the family moves becomes the Receiving Housing Authority, and the initial receiving Housing Authority is no longer required to provide assistance for the family.

9.0 FAMILY INCOME

9.1 *INCOME, EXCLUSIONS FROM INCOME, DEDUCTIONS FROM INCOME*

To determine annual income, the Housing Authority counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Housing Authority subtracts out all allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

9.2 *INCOME*

A. Annual income means all amounts, monetary or not, that:

1. Go to (or on behalf of) the head of household or spouse (even if temporarily absent) or to any other family member, or
2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and when the Housing Authority cannot readily anticipate income based upon current circumstances in the case of seasonal employment, unstable working hours, or suspected fraud, the Housing Authority will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and will use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the Housing Authority to show why the historic pattern does not represent the family's anticipated income.
3. Are not specifically excluded from annual income.

B. Annual income includes, but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is

included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by the Housing Authority.
4. The full amount or periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
6. Welfare assistance.
 - a. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - ii. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 - b. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to

the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

- c. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted.
7. Periodic and determinable allowances, such as alimony and child support payments. In Wisconsin, the Housing Authority will use the Wisconsin Support Collections Trust Fund for Child Support Account History Report. The Housing Authority will use the past 3-month history and project this amount as anticipated income for the upcoming 12 months. In cases where support does not have a 3-month history or amounts have recently changed substantially, the Housing Authority staff will make an estimation with the information given to best project future payments.
8. Regular contributions or gifts received from organizations or from persons not residing in the dwelling. Examples of regular contributions include: 1) regular payment of a family's bills such as utilities, telephone, rent, credit cards, and car payments, 2) cash or other liquid assets provided to any family member on a regular basis, 3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.
9. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

9.3 FAMILIES CLAIMING ZERO INCOME STATUS

If a family wishes to claim Zero Income Status, they must certify in writing their zero income status.

9.4 ASSETS

Income from Assets is the actual income derived from the asset where the family has net family assets of \$5,000.00 or less. Where the family has assets greater than \$5,000.00 use the greater of:

- A. The actual income from all family assets;
- B. The imputed income from all net family assets;
 1. The imputed income is the cash value of the assets multiplied by the Housing determined passbook interest rate.

Assets include the following:

- A. Amounts in savings and checking accounts
 1. Savings accounts: The Housing Authority will count the current balance and times by the interest rate verified;
 2. Checking accounts: The Housing Authority will count the current balance and times by the interest rate verified;
- B. The cash value of trusts that are available to a family;

1. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any family member of the household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust.
 2. Any income distributed from a trust fund must be counted when determining annual income.
- C. Stocks, bonds, savings certificates, money market funds, and other investment accounts;
- D. Equity in real property or other capital investments;
1. Equity is the estimated current market value of an asset less:
 - a. The unpaid balance on all loans secured by the asset
 - b. Reasonable costs that would be incurred in selling the asset
 2. Calculate equity in real property as follows:

$$\text{Market Value} - \text{Loan (mortgage)} = \text{Equity}$$
 3. Calculate the cash value of real property as follows:
 - a. $\text{Equity} - \text{Expense to convert to cash} = \text{Cash Value}$
 - b. Expenses to convert to cash may include such costs as broker fees, sales commissions, settlement costs, and transfer taxes.
- E. IRA, Keogh, and similar retirement savings accounts, even though withdrawal would result in a penalty.
- F. Contributions to company retirement/pension funds if any member of the family has access to the asset.
1. While an individual is employed, only those amounts the family can withdraw without retiring or terminating employment shall count as an asset;
 2. After retirements, include any benefits received through periodic payments from a retirement or pension fund as annual income.
- G. Assets that, although owned by more than one person, the applicant has unrestricted access to the assets.
- H. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlements for personal or property losses.
1. Include in annual income payments in lieu of earnings, such as unemployment and disability compensations, worker's compensation, and severance pay.
- I. Personal property held as investments, such as gems, jewelry, coin collections, antique cars, etc...
- J. Cash value of life insurance policies.

- K. The value of any business or family assets disposed of by an applicant or tenant for less than the fair market value during the two years preceding the date of application for the program or reexamination, in excess of the consideration received:
 - 1. Assets disposed of for less than fair market value includes a disposition in trust but not in a foreclosure or bankruptcy, in excess of \$1000.00.
 - 2. A disposition that is part of a separation or divorce settlement is not considered to be for less than fair market if the applicant or tenant receives important considerations not measurable in dollar terms.

Assets do NOT include:

- A. Personal property (not held as investments)
- B. Interest in Indian Trust lands
- C. Assets not accessible by the family

9.5 EXCLUSIONS FROM INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
- D. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The full amount of student financial assistance paid directly to the student or to the educational institution;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. The mandatory income disallowance rule for persons with disabilities if they have not been employed for the past 12 consecutive months according to HUD regulations;
 - 1. A 24 month required earned income disallowance begins on the date the family member (with disabilities) is employed; or first experiences an increase in income due to employment;
 - 2. First 12 months of earned income is disallowed at 100%;

If, within the initial 12 months, the tenant loses the earned income, the disallowance is suspended and will begin again if and when earned income is reached again. Example: Tenant received employment and Interim would be effective on 11/1/01 – earned income is disallowed for 12 months at 100%;

Tenant loses job on 2/28/02 – total months of disallowance equals 4 months. Tenant begins employment again on 6/1/02 – disallowance is continued at that time with 4 months of the 12 months already counted as disallowed.

3. Second 12 months of earned income is disallowed at 50% with the same time rulings as the first 12 months.
 4. After the full 24 months of earned income disallowance, the earned income is counted in full.
- I. The amounts received from the following programs:
1. Amounts received under training programs funded by HUD;
 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
 4. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
 5. Temporary, nonrecurring, or sporadic income (including gifts);
 6. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 7. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
 8. Adoption assistance payments in excess of \$480 per adopted child;
 9. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
 10. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
 11. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and

equipment needed to keep the developmentally disabled family member at home; or

12. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.

These exclusions include:

- a. The value of the allotment of food stamps
- b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
- c. Payments received under the Alaska Native Claims Settlement Act
- d. Income from sub marginal land of the U.S. that is held in trust for certain Indian tribes
- e. Payments made under HHS's Low-Income Energy Assistance Program
- f. Payments received under the Job Training Partnership Act
- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
- i. Amount of scholarships awarded under Title IV including Work-Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of child care under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the AmeriCorps Program

9.6 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent
- B. \$400 for any elderly family or disabled family
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:

1. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
2. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that are equal to the total of these expenses less 3% of annual income.

Services of medical professionals, surgery and medical procedures that are necessary, legal, non-cosmetic, services of medical facilities, hospitalization, long-term care, and in-home nursing services, prescription medicines, and insulin, nonprescription medicines prescribed by a doctor, improvements to housing directly related to medical needs such as ramps, handrails, substance abuse treatment programs, psychiatric treatment, ambulance services and some costs of transportation related to medical expenses, the cost and care of necessary equipment related to a medical condition such as eyeglasses/lenses, hearing aids, crutches, and artificial teeth, cost and continuing care of necessary service animals, medical insurance premiums or the cost of a health maintenance organization (HMO)

- E. Child care expenses. All childcare expenses the family pays out of their own pocket will be deducted from their gross annual income. These expenses must be verified 3rd party by the child care provider.

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination.

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school or participating in a formal training program.

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that the child care is being provided.

10.0 VERIFICATION

The Housing Authority require the family to submit directly, documents determined necessary to determine eligibility and level of benefits. Information or documentation shall be determined necessary if it required for the purposes of determining eligibility or family's adjusted income of tenant rent. As a condition of admission to or continued occupancy or, the Housing Authority shall require the Family head and all other adult family members execute a HUD approved Authorization of Release of Information form, authorizing release of private source of income, or any Federal, State, or Local Agency to furnish or release to the Housing Authority any such information as the Housing Authority deemed necessary. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other

reasonable accommodations, full time student status of family members 18 years of age and older, Social Security Numbers, citizenship/eligible non-citizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

10.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security Numbers will generally be verified with documentation provided by the family. For citizenship, the family's birth certificates will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Housing Authority or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc. Print-outs from web pages are considered 3rd party and original documents.

Asset: The Housing Authority may use review of documents or personal declaration by head of household in lieu of requesting third-party verification when the market value of an individual asset is less than \$5000. When the household has assets in excess of \$5000.00 the Housing Authority must obtain supporting documentation

The Housing Authority will also determine that third party-verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information.

Housing Authority procedures for anticipating annual income will include the use if EIV methods approved by HUD in conjunction with 3rd party verifications and family-provided documents within the last 60 days of the Housing Authority interview date. The Housing Authority will accept documents dated up to 6 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source.

The Housing Authority will follow "HUD Guidelines for Projecting Annual Income when EIV Verification Data is available" in handling differences between EIV and family-provided income data. The guidelines depend on whether a difference is substantial or not. HUD defines substantial difference as a difference of \$200 or more per month.

No Substantial Difference.

If EIV information for a particular income source differs from the information provided by 3rd party verification or the family by less than \$200 per month, the Housing will follow these guidelines:

If the EIV figure is less than the 3rd party or family's figure, the Housing will use the 3rd party or the family's information.

If the EIV figure is more than the 3rd party or the family's figure, the Housing Authority will use the 3rd party verification.

When the Housing cannot readily anticipate income (e.g., in cases of seasonal employment, unstable working hours, or suspected fraud), the Housing will review historical income data for patterns of employment, paid benefits, and receipt of other income.

The Housing will analyze all EIV, 3rd party, and family provided data and attempt to resolve any income discrepancy with EIV data.

The Housing Authority will use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

The Housing Authority's primary source of income verification is 3rd party verification. Housing staff will mail or fax verification forms to the source to complete and return to the Housing. When third party verification cannot be obtained, the Housing Authority will accept documentation received from the applicant/participant. Hand-carried documentation will be accepted if the Housing Authority has been unable to obtain third party verification. Photocopies of the documents provided by the family will be maintained in the file.

When neither third party verification nor hand-carried verification can be obtained, the Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

10.2 EARNED INCOME, WAGES AND RELATED COMPENSATION

Wages and related compensation is the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.

Bonuses and compensation: For persons who regularly receive bonuses or commissions, the Housing Authority will verify and then average amounts received for the two years preceding admission or reexamination. If only one-year of history is available, the Housing Authority will use the prior year amounts. In either case the family may provide and the Housing Authority will consider, a credible justification for not using the history to anticipate future bonuses or commission. If a new employee has not yet received any bonuses or commissions, the Housing Authority will count only the amount estimated by the employer in the 3rd party verification.

The Housing Authority shall require the family head and other adult family members to execute a HUD approved Authorization of Release of Information form.

10.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/ eligible non-citizen status of each family member regardless of age must be determined.

During the briefing, all citizens and nationals and eligible non-citizens will be required to sign a declaration under penalty of perjury which declares their citizenship or immigration status.

All eligible non-citizens must provide their original INS documentation. The Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Housing Authority also will verify their status through the INS SAVE system.

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

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program.

If no family member is determined to be eligible under this Section, the family's admission will be denied.

The family's assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this Section, except to the extent that the delay is caused by the family.

If the Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their assisted unit, the family's assistance will be terminated.

10.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to issuing a Voucher, each family member who has a Social Security Number must provide verification of his or her Social Security Number. New family members must provide this verification prior to being added to the lease.

The Housing Authority shall require the Family provide them with the original Social Security Card. Where such card is not available the Housing Authority may accept a document generated by a Federal, State, or Local Government agency which states the individuals Social Security number. Military ID, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security Number they will be required to sign a statement to this effect. The Housing Authority will not require any individual who does not have a Social Security Number to obtain a Social Security Number.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided.

The Housing Authority shall provide information to a family on how to obtain a new Social Security card.

10.5 TIMING OF VERIFICATION

Verification must be dated within 120 days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update only those elements reported to have changed.

11.0 RENT AND HOUSING ASSISTANCE PAYMENT

11.1 RENT REASONABLENESS

The Housing Authority will not approve an initial rent or a rent increase in any of the tenant-based programs without determining that the rent amount is reasonable. Reasonableness is determined prior to the initial lease and at the following times:

- A. Before any increase in rent to owner is approved;
- B. If 60 days before the contract anniversary date there is a 5% decrease in the published FMR as compared to the previous FMR.

11.2 COMPARABILITY

In making a rent reasonableness determination, the Housing Authority will compare the rent for the unit to the rent of comparable units. The Housing Authority will consider the location, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units.

The Housing Authority will maintain current survey information on rental units in the jurisdiction.

Owners are invited to submit information to the survey at any time. Owners may review the determination made on their unit and may submit additional information or make improvements to the unit that will enable the Housing Authority to establish a higher value.

The owner must certify that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

Rent comparability data shall be collected from owner, current landlords, or phone survey as the Housing Authority deems necessary.

11.3 PAYMENT STANDARD

The Payment Standard is the maximum amount of assistance that may be paid. This includes both rent to the owner and utilities for which the family is responsible. The Fair Market Rent (FMR) published by HUD determines the payment standard to be set by the Housing Authority

HUD requires that the payment standard be set by the Housing Authority at between 90 and 110% of the FMR. The Housing Authority will review its determination of the payment standard annually after publication of the FMRs. The Housing Authority will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program.

The Housing Authority may consider adjusting payment standards at times other than the annual review when circumstances warrant.

In case of a decrease in payment standard due to a decrease in HUD published FMR the Housing Authority shall hold harmless existing families. (Payment standard shall not change unless tenant move.)

Selecting the Correct Payment Standard for a Family

- A. For the voucher tenancy, the payment standard for a family is the lower of:
 - 1. The payment standard for the family unit size; or
 - 2. The payment standard for the unit size rented by the family
- B. If there is an increase family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination. If there is a decrease in family size or composition, the new family unit size will be considered when determining the payment standard at the second annual reexamination.

11.4 RENT CALCULATION

A. Total Tenant Payment

The total tenant payment is equal to the highest of:

- 1. 10% of monthly income
- 2. 30% of adjusted monthly income
- 3. Minimum rent
- 4. The welfare rent
- 5. No household when initially receiving assistance shall pay more than 40% of their adjusted income

Plus any rent which exceeds the payment standard.

It is possible for the family to qualify for a utility reimbursement despite the minimum rent.

B. Minimum Rent.

The Housing Authority has set the minimum rent at \$50.00. However, if the family requests a hardship exemption, the Housing Authority will suspend the minimum rent for the family beginning the month following the family's hardship request. The suspension will continue until the Housing Authority can determine whether hardship exists and whether the hardship is short term or long-term nature. During suspension, the family will not be required to pay a minimum rent and the Housing Assistance Payment will be increased accordingly.

- 1. A hardship exists in the following circumstances:
 - a. When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program;
 - b. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - c. When the income of the family has decreased because of changed circumstances, including loss of employment;

- d. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - e. When a death has occurred in the family.
 - 2. 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 to the Housing Authority for the time of suspension.
 - a. Families will not qualify for a minimum rent hardship due to the following circumstances;
 - i. Voluntary Impoverishment
 - ii. Quitting employment
 - iii. Termination from employment for cause such as, not showing for work, able but refusing to perform job duties, theft, etc...
 - 3. Families that lose employment due to a disability and not being able to perform job duties will not be penalized and the hardship will be reviewed for approval.
 - 4. Short term hardship. If the Housing Authority determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will 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 reasonable repayment agreement for any minimum rent back payment paid by the Housing Authority on the family's behalf during the period of suspension.
 - 5. 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.
 - 6. Appeals. The family may use the informal hearing procedure to appeal the Housing Authority's determination regarding the hardship.
- C. Manufactured Home Space Rental: Section 8 Vouchers
 - 1. The payment standard for a participant renting a manufactured home space is the published FMR for rental of a manufactured home space.
 - 2. The space rent is the sum of the following as determined by the Housing Authority:
 - a. Rent to the owner for the manufactured home space;
 - b. Owner maintenance and management charges for the space; and
 - c. Utility allowance for tenant paid utilities.
 - 3. The participant pays the rent to owner less the HAP.
 - 4. HAP equals the lesser of:
 - a. The payment standard minus the total tenant payment; or

- b. The rent paid for rental of the real property on which the manufactured home owned by the family is located.

D. Rent for Families under the Non-citizen Rule

A mixed family of which contains non-citizens or lack immigration status HAP payment will be determined by dividing the HAP by the total number of family members, and then multiplying the result by the number of eligible family members

11.5 UTILITY ALLOWANCE

The Housing Authority maintains a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services.

The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the Housing Authority uses normal patterns of consumption for the community and current utility rates.

The Housing Authority reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The Housing Authority maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule. Participants may review this information at any time by making an appointment. Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination that is effective after the allowance is adopted.

The Housing Authority shall appropriate utility allowance for the size of the family or unit size whichever is smaller.

The utility allowance will be added to the contract rent charged for the unit to be called the gross rent.

The gross rent or the payment standard, whichever is lower, will be used to subtract the family's TTP to determine the amount of the Housing Assistance Payment and the Tenant Rent. If the utility allowance exceeds the TTP the tenant shall receive a utility check for the difference.

11.6 CHANGE OF OWNERSHIP

The Housing Authority requires a written request by the owner who executed the HAP contract in order to make changes regarding who is to receive the Housing Authority's rent payment or the address as to where the rent payment should be sent.

In addition, the Housing Authority requires a written request from the new owner to process a change of ownership. The Tax Identification Number or Social Security Number must be included in this request

New owners will be required to execute IRS form W-9. The Housing Authority may withhold the rent payment until the taxpayer identification number is received.

12.0 HOUSING QUALITY STANDARDS INSPECTIONS

The Housing Authority will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be placed on the Section 8 Housing Choice Voucher Program unless the unit passes a HQS inspection. Initial inspection will be performed on after a completed Request for Tenancy Approval is received for the unit. Initial inspection will be scheduled with 10 business days of receipt of the completed Request for Tenancy Approval or within 10 business days from the time the unit is available for inspection. The 10 business days may not be met by the Housing Authority in the event the unit is not available for inspection, unable reach landlord or tenant to schedule the inspection, cancellations by landlord or tenant or other extenuating circumstances. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.

The Housing Authority shall inspect the dwelling unit at reasonable times with reasonable notice. The family and/or owner will be notified of the inspection appointment by phone or by first class mail. If the family cannot be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable the Housing Authority to enter the unit and complete the inspection.

If the family misses the scheduled inspection and fails to reschedule the inspection, the Housing Authority will only schedule one more inspection. If the family misses two inspections, the Housing Authority will consider the family to have violated a Family Obligation and their assistance may be terminated.

The Housing Authority will follow the specific requirements concerning the unit HQS inspection as described in the inspection form HUD 52580 and HUD Handbook. The Housing Authority will not enforce other housing codes.

In addition to HQS regulations each unit shall have a smoke detector on every floor, including the basement, and a smoke detector within six feet of any bedroom door.

12.1 QUALITY ASSURANCE INSPECTION

A quality assurance inspection will be conduct on at least 5% of the units that are under lease. The inspection shall be conducted by an individual who is familiar with HQS guidelines.

12.2 HQS DEFICIENCIES – INITIAL INSPECTION

When deficiencies are found in during the initial inspection the landlord is notified in writing and the tenant copied in, of the inspection results. If the landlord wishes to bring the unit into HQS compliance, he does so and then notifies the Housing Authority when he is prepared for a re-inspection of the unit. When deficiencies are found in the re-inspection, the landlord will again be notified in writing, and the tenant copied in, of the inspection results. No Housing Assistance Payments will be made until the unit meet HQS guidelines

12.3 ANNUAL INSPECTION

The Housing Authority will inspect all units at least annually. Families shall be notified by first class mail of the scheduled inspection. If the time and or date does not meet the families schedule they must contact the Housing Authority and re-schedule the appointment. If the family misses the inspection and fails to reschedule the inspection, the Housing Authority will

only schedule one more inspection. If the family misses two inspection, the Housing Authority will consider the family to have violated a Family Obligation and their assistance may be terminated.

- A. The Housing Authority will not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the Housing Authority and the Housing Authority verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects the owner must correct the defect within no more than 30 calendar days (or any Housing Authority approved extension).
- B. The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible. Furthermore, the Housing Authority may terminate assistance to a family because of the HQS breach caused by the family.
- C. If a HQS violation is caused by the family the family must correct the defect within no more than 30 calendar days (or any Housing Authority approved extension). If the HQS violation is life-threatening the family must correct the defect with no more than 24 hours. If the family does not correct the defect the Housing Authority may terminate assistance to a family.

12.4 ABATEMENT

When a unit fails to meet HQS and the owner has been given an opportunity to correct the deficiencies but has failed to do so within the required time frame, Housing Assistance Payment or a portion thereof as determined by the Housing Authority will be abated. The landlord will not be held accountable and the rent will not be abated of tenant caused deficiencies

13.0 RECERTIFICATION

The Housing Authority shall re-examine income and composition, and the extent of medical or other unusual expenses incurred by the family, at least annually.

One rent is established, such rental rate shall remain in effect until the next annual recertification, special re-examination, or interim rent adjustment. Anytime any or the following circumstances occur rent and income will be reviewed and rent adjusted:

- A. A decrease in family income which will lower the Total Tenant Payment;
- B. A change in family composition which would increase/decrease the TTP;
- C. When an adult family member who was reported as unemployed on the most recent certification obtains employment;
- D. The Household income increase or decreases by forty (40) dollars per month;
- E. When required by changes in HUD regulations.
- F. In the tenant reports any decrease in income or any change in other factors considered in calculating the tenant's rent, that will last more than sixty (60) days

Tenants failure to report such changes may result in retroactive rent or termination or tenancy. Tenants must report changes in income and household composition within ten calendar days.

The Housing Authority will give the tenant at least 30 days advance written notice of any increase in tenant's rent. Decreases in tenant's rent shall be effective the first day on the next month, following verification, provided they are reported to the Housing Authority by the 25th of the month. Where a new lease is signed the adjustment is effective as of the first day of the new lease.

If the tenant does not submit the required recertification information by the date specified, the Housing Authority may:

- A. Implement an increase in rent resulting from the recertification process without (30) days notice.
- B. Proceed with termination of benefits.

The tenant may request to meet with the Housing Authority to discuss any change in rent resulting from the recertification process. If the tenant requests such a meeting, the Housing Authority agrees to meet with the tenant and discuss how the tenant's rent was computed.

If at the time of reexamination, a special reexamination, or an interim reexamination, the calculated amount payable by the tenant exceeds the Gross Rent, or Payment Standard for the unit, rental assistance payments standards shall be terminated. The Housing Assistance Payment Contract shall expire, and the Tenant shall be found ineligible for future assistance after six months of no payments.

Missed Appointments

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Housing Authority taking action to terminate the family's assistance.

14.0 TERMINATION OF ASSISTANCE

The Housing Authority may at any time terminate program assistance for a participant, because of any of the actions or inaction by the household:

- A. If the family violates any family obligations under the program.
- B. If the family commits any serious and repeated lease violations. These will include, but are not limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity.
- C. If a family member fails to sign and submit consent forms.
- D. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance or temporary

deferral of assistance. If the Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated.

- E. If any member of the family has ever been evicted from public housing program in the last 10 years.
- F. If the Housing Authority has ever terminated assistance under the Voucher Program for any member of the family.
- G. If any family member or guests commit and drug or criminal activity.
- H. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- I. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- J. If the family has not reimbursed any Housing Authority 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.
- K. If the family breaches an agreement with the Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority. (The Housing Authority, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. The Housing Authority may prescribe the terms of the agreement.)
- L. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel. Abusive or violent behavior includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- M. If any household member is subject to a lifetime registration requirement under a State sex offender registration program.
- N. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Housing Authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

When termination is initiated by the Housing, the notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination. However, if the family vacates the unit without informing the Housing Authority, 30 days notice will not be given. In these cases, the notice to terminate will be sent at the time the Housing authority learns the family has vacated the unit.

14.1 PROHIBITATION AGAINST TERMINATIONS UNDER VAWA (VIOLENCE AGAINST WOMEN ACT)

The Violence against Women Reauthorization Act of 2013 limits the owner's and the Housing Authority's right to terminate tenancy or program assistance under certain circumstances.

The Housing Authority or any owner may not construe actual or threatened domestic violence, dating violence or stalking as:

- A. A serious or repeated violation of the lease by the victim
- B. Other good cause for terminating the tenancy or occupancy rights of the victim
- C. Criminal activity justifying the termination of the tenancy, occupancy rights, or program assistance of the victim

14.2 VICTIM DOCUMENTATION

No applicant for public housing who has been a victim of domestic violence, date violence, or stalking shall be denied admission or continued assistance if they are otherwise qualified.

An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as a repeated violation of the lease by the victim or threatened victim of that violence, and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.

The Landlord may evict or remove and the Housing Authority may find ineligible a lawful occupant or tenant who engages in criminal acts, threatened acts of violence or stalking to family members or others without terminating the tenancy, evicting or eligibility of victimizes lawful occupants.

The Housing Authority will honor court orders regarding the rights of access or control of property, including temporary restraining orders, injunction, domestic violence orders and other orders issued to protect the victim or address the distribution or possession of property among household members where the family "breaks up".

There is no limitation on the ability of the Landlord to evict or the Housing Authority to find ineligible for other good case unrelated to the incident or incidents or domestic violence, dating violence, or stalking, other than the victim may not be subject to a more demanding standard than non-victims.

There is no prohibition of the landlord evicting or Housing Authority terminating eligibility if it can demonstrate an actual or imminent threat to other tenants, employees, or persons providing service to the property if the tenant's (victim's) tenancy is not terminated.

Any protection provided by law, which will give greater protection to the victim, is not superseded by this policy.

The Housing Authority may require certification by the victim of victim status on such form as the Housing Authority shall prescribe or approve.

Dating Violence – means violence committed by a person:

- A. Who is or has been in a social relationship or a romantic or intimate nature with the victim and;

B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship
2. The type of relationship
3. The frequency of interaction between the persons involved in the relationship

Stalking – means:

To follow, pursue, or repeatedly commit acts with the intent to kill, harass, or intimidate another person and;

To place under surveillance with the intent to kill, injure, or intimidate and person and;

In the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts;

To place a person in reasonable fear of death, serious bodily injury, or to cause substantial emotional harm.

To:

That person;

A member of the immediate family of that person; or

The spouse or intimate partner of the person.

15.0 INFORMAL HEARING/INFORMAL REVIEWS

15.1 COMPLAINTS

The Housing Authority will investigate and respond to complaints by participant families, owners, and the general public. The Housing Authority may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated whenever possible.

15.2 INFORMAL REVIEWS

Tenants may request an informal review, regarding adverse actions by the Housing Authority. If a Tenant request such review the Housing Authority agrees to meet with the tenant. The Tenant may present evidence on their behalf. The Housing Authority agrees to explain any such actions. The Informal review shall be conducted by the Executive Director. Such review does not prohibit a tenant from requesting an Informal Hearing.

15.2 INFORMAL HEARING

A. Informal Hearing for the Applicant

The Housing Authority will give an applicant for participation in the Housing Choice Voucher Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the Housing Authority decision. The notice will state that the applicant may request an informal review within 10 calendar days of notice starting at the date mailed.

B. When an Informal Hearing is not required

The Housing Authority will not provide the applicant an opportunity for an informal review for any of the following reasons:

1. A determination of the family unit size under the Housing Authority subsidy standards.
2. A Housing Authority determination not to grant approval to lease a unit under the program or to approve a proposed lease.
3. A Housing Authority determination that the unit is not in accordance with HQS because of family size or composition.
4. General policy issues or class grievances.
5. Discretionary administrative determinations by the Housing Authority.
6. The unit does not pass an HQS Inspection
7. Establishment of Housing Authority utility allowance
8. A determination by the Housing Authority to exercise or not exercise any right or remedy against the owner under the HAP Contract

C. Informal Hearing Process

The Housing Authority will give an applicant an opportunity for an informal hearing of the Housing Authority decision denying assistance to the applicant. The review will be conducted by the Housing Authority Board of Directors. The applicant will be given the opportunity to present in writing or in person any objection to the decision.

The Housing Authority will notify the individual or family within 14 calendar days regarding the decision with a brief statement for the reasons.

D. Considering Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, the Housing Authority may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The Housing Authority 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 Housing Authority may permit the other members of a participant family to continue receiving assistance.

INFORMAL HEARINGS

A. When a Hearing is required

1. The Housing Authority will give a participant family an opportunity for an informal hearing to consider whether the following Housing Authority

decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Housing Authority policies:

- a. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
 - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Housing Authority utility allowance schedule.
 - c. A determination of the family unit size under the Housing Authority subsidy standards.
 - d. A determination to terminate assistance for a participant family because of the family's action or failure to act.
 - e. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Housing Authority policy and HUD rules.
2. In cases described above the Housing Authority will give the opportunity for an informal hearing before the Housing Authority terminates housing assistance payments for the family under an outstanding HAP contract. The notice shall notify family that they have the right within 10 calendar day to request an informal hearing and provide a brief statement of the reason for the decision

B. Hearing Procedures

The family shall be given a fair hearing and shall be provide cue process, which include the following:

1. The family will be given the opportunity to examine before the hearing and copy (at the Family's expense) any Housing Authority documents, records that are directly relevant to the hearing. If the Housing Authority does not make the document(s) available for examination on request of the family the Housing Authority may n rely on the documentation at the hearing

The right to be represented by counsel or another person chosen as a representative;

2. The hearing officer will be conducted by the Executive Director, or another individual designated by the Housing Authority. The individual conducting the Hearing will not be the individual who made the original determination of ineligibility.
3. The right to present evidence and arguments to support their complaint, to controvert evidence present by the Housing Authority, and to confront and cross-examine all witnesses on whose testimony or information the Housing Authority relies; and
4. A decision based solely and exclusively on fact presented at the hearing.

The hearing will be conducted informally. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. Any evidence to be considered must be presented at the time of the hearing. The Housing Authority shall

sustain the burden of proof justifying the termination determination, or adverse decision which the dispute is directed

If all parties agree, the Housing may record the hearing by audiotape. The Housing Authority will not provide a transcript of an audio tape to the family or their related parties.

The person who oversees the hearing must issue a written decision within 10 calendar days from the date of the hearing, briefly stating the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

In deciding whether to terminate assistance because of action or inaction by members of the family, the Housing Authority may consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The Housing Authority 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 Housing Authority may permit the other members of a participant family to continue receiving assistance.

16.0 TERMINATION OF THE LEASE AND CONTRACT

The lease may be terminated by the owner, by the tenant, or by the mutual agreement of both. The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by the Housing Authority. Under some circumstances the contract automatically terminates.

A. Termination of the lease

1. By the family

The family may terminate the lease without cause upon proper notice to the owner and to the Housing Authority after the first year of the lease. The length of the notice that is required is stated in the lease.

2. By the owner.

a. The owner may terminate the lease during its term on the following grounds:

- i. Serious or repeated violations of the terms or conditions of the lease;
- ii. Violation of Federal, State, or local law that impose obligations on the tenant in connection with the occupancy or use of the unit and its premises;
- iii. Criminal activity by the household, a guest or another person under the control of the household that threatens the health, safety or right to peaceful enjoyment of the premises by other persons residing in the immediate vicinity of the premises;

- iv. Any drug-related criminal activity on or near the premises;
- v. Other good cause. Other good cause may include, but is not limited to:
 - (1) Failure by the family to accept the offer of a new lease;
 - (2) Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;
 - (3) The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;
 - (4) A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.
- b. During the first year the owner may not terminate tenancy for material non-compliance with the lease terms.
- c. The owner may only evict the tenant by instituting court action.
- d. The owner must inform the Housing when the owner has obtained a court judgment or other process allowing the owner to evict the tenant and provide the Housing with a copy of such judgment or determination.
- e. After the owner has obtained a court judgment or other process allowing the owner to evict the tenant, the Housing will continue to make HAP payments to the owner until the family is physically evicted from the unit. The owner must inform the Housing of the date when the family moves from the unit or the family is physically evicted from the unit.
- f. The owner may terminate the contract at the end of the initial lease term or any extension of the lease term without cause by providing notice to the family and the Housing Authority that the lease term will not be renewed.

2. Termination of the Lease by mutual agreement

The family and the owner may at any time mutually agree to terminate the lease.

B. Termination of the Contract

1. Automatic termination of the Contract

- a. If the Housing Authority terminates assistance to the family, the HAP contract terminates automatically.
- b. If the family moves out of the unit, the HAP contract terminates automatically.
- c. The HAP contract automatically terminates 180 calendar days after the last housing assistance payment to the owner.

2. Termination of the HAP contract by the owner

The owner may only terminate tenancy in accordance with lease and State and local law.

3. The family may request that the Housing Authority terminate the family's assistance at any time.

The request to terminate assistance should be made in writing and signed by the head of the household or voucher holder.

The Housing Authority may terminate the HAP contract because:

- a. The Housing Authority has terminated assistance to the family.
 - b. The unit does not meet HQS space standards because of an increase in family size or change in family composition.
 - c. When the family breaks up and the Housing Authority determines that the family members who move from the unit will continue to receive the assistance.
 - d. The Housing Authority determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.
 - e. The owner has breached the contract in any of the following ways:
 - i. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.
 - ii. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
 - iii. If the owner has engaged in drug trafficking.
4. Final HAP payment to owner

The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out.

17.0 ERRORS AND PROGRAM ABUSE

The Housing Authority will employ a variety of methods to detect errors and program abuse. The Housing Authority will use the Enterprise Income Verification (EIV) to compare with family provided data. The Housing Authority will review monthly the (EIV) New Hire Report.

At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.

18.0 INVESTIGATING ERRORS AND PROGRAM ABUSE

The Housing will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant

investigation. For the Housing to investigate, the allegation must contain at least one independently-verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

The Housing Authority will base its evaluation on a preponderance of the evidence collected during its investigation.

For each investigation the Housing will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed the Housing, and (3) what corrective measures or penalties will be assessed. If termination of assistance is determined to be the necessary course of action, the termination and appeals process will begin.

Family Reimbursement to the Housing Authority

In the case of family-caused errors or program abuse, the family will be required to repay any excess subsidy received. The Housing Authority may, but is not required to, offer the family a repayment agreement. If the family fails to repay the excess subsidy, the Housing Authority will terminate the family's assistance.

Housing Authority Reimbursement to Family

The Housing Authority will not reimburse the family for any underpayment of assistance when the underpayment clearly is caused by the family.

Any of the following will be considered evidence of family program abuse:

- A. Payment to the owner in excess of amounts authorized by the Housing Authority for rent, security deposit, and additional services
- B. Offering bribes or illegal gratuities to the Housing Board of Commissioners, employees, contractors, or other Housing Authority representatives
- C. Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to the Housing Authority on the family's behalf
- D. Use of a false name or the use of falsified, forged, or altered documents
- E. Intentional misreporting of family information or circumstances (e.g. income, family composition)
- F. Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
- G. Admission of program abuse by an adult family member

Penalties for Family Program Abuse may include one or more of the following

- A. The Housing Authority may require the family to repay excess subsidy amounts.
- B. The Housing Authority may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit.
- C. The Housing Authority may deny or terminate the family's assistance.
- D. The Housing Authority may refer the family for state or federal criminal prosecution.

19.0 OWNER-CAUSED ERROR OR PROGRAM ABUSE

In cases where the owner has received excess subsidy, the Housing will require the owner to repay the amount owed.

Any of the following will be considered evidence of owner program abuse:

- A. Charging the family rent above or below the amount specified in the HAP Contract
- B. Charging the family for services that are provided to unassisted tenants at no extra charge

- C. Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit
- D. Knowingly accepting incorrect or excess housing assistance payments
- E. Offering bribes or illegal gratuities to the Housing Authority Board of Commissioners, employees, contractors, or other Housing Authority representatives
- F. Offering payments of other incentives to an HCV family as an inducement for the family to make false or misleading statements to the Housing Authority
- G. Residing in a unit with an assisted family

Penalties for Owner Program Abuse; the Housing Authority may take any of the following actions:

- A. Require the owner to repay excess housing assistance payments
- B. Terminate the HAP contract
- C. Bar the owner from future participation in any Housing Authority programs
- D. Refer the case to state or federal officials for criminal prosecution

All families terminated from the Program due to program violations shall be entered into HUD EIV System under Debts owed to Public Housing Authority and Terminations.

20.0 HOUSING AUTHORITY CAUSED ERRORS OR PROGRAM ABUSE

Any of the following will be considered evidence of program abuse by Housing Authority staff:

- A. Failing to comply with any Housing Choice Voucher (HCV) program requirements for personal gain
- B. Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant, participant, or owner
- C. Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to the Housing Authority
- D. Housing Authority
- E. Disclosing confidential or proprietary information to outside parties
- F. Misappropriating or misusing HCV funds
- G. Destroying, concealing, removing, or inappropriately using any records related to the HCV Program
- H. Committing any other corrupt or criminal act in connection with any federal housing program

21.0 OWNER OR FAMILY DEBTS TO THE HOUSING AUTHORITY

When an action or inaction of an owner or participant results in the overpayment of housing assistance, the Housing Authority will hold the owner or participant liable to return any overpayments to the Housing Authority.

The Housing Authority will enter into repayment agreements in accordance with the policies contained in this part to recover overpayments.

When an owner or participant refuses to repay monies owed to the Housing Authority, the Housing Authority will utilize other available collection alternatives including, but not limited to, the following:

- Collection agencies
- Small Claims court
- Civil law suit
- State income tax set-off program

21.1 REPAYMENT AGREEMENTS

Owner Debts to the Housing Authority

Any amount due to the Housing Authority by an owner must be repaid by the owner within 30 days of the Housing Authority determination of the debt.

If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, the Housing Authority will reduce the future HAP payments by the amount owed until the debt is paid in full.

If the owner is not entitled to future HAP payments the Housing Authority may offer to enter into a repayment agreement.

If the owner refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the Housing Authority will ban the owner from future participation in the program and pursue other modes of collection.

Family Debts

Any amount due to the Housing Authority by an HCV participant must be repaid by the family. If the family is unable to repay the debt within 30 days, the Housing Authority will agree to enter into a repayment agreement with the family. Terms of the repayment agreement may be negotiated between the Housing Authority and family

If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the AHA will terminate the assistance upon notification to the family and pursue other modes of collection. At no time shall the Housing Authority require a family to repay an amount which would result in total tenant payment and repayment agreement to exceed 40% of the family's adjusted monthly income.

The family may request the Housing Authority to renegotiate the Repayment Agreement due to a decrease in family income.

The head of the household and spouse/co head (if applicable) must sign the repayment agreement.

Non-Payment

If a family is delinquent for 3 months the Housing Authority will terminate assistance.

No Offer of Repayment Agreement

The Housing Authority will not enter into a repayment agreement if there is already a repayment agreement in place with the family or owner.

22.0 RECORDS MANAGEMENT

All family information shall be kept confidential. Applicant and participant information will be kept in a secure location and access will be limited to authorized Housing Authority staff.

Tenant file shall be maintained for three years from end of participation in the program.

23.0 Enterprise Income Verification (EIV) System

- A. The Housing Authority will use all features of the EIV System to:
 - 1. Verify tenant employment and income information during mandatory reexaminations of family composition and income.
 - 2. Reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.
 - 3. Review the EIV Report of each family before or during mandatory annual and interim reexaminations of family income and/or composition to reduce tenant under reporting of income and improper subsidy payments.
- B. The Housing Authority may utilize various EIV reports to assist with:
 - 1. Identifying tenants whose reported personal identifiers do not match the SSA database.
 - 2. Identifying tenants who need to disclose a SSN.
 - 3. Identifying tenants whose alternate identification number (Alt ID) needs to be replaced with a SSN.
 - 4. Identifying tenants who may not have reported complete and accurate income information.
 - 5. Identifying tenants who have started a new job.
 - 6. Identifying tenants who may be receiving duplicate rental assistance.
 - 7. Identifying tenants who are deceased and possibly continuing to receive rental assistance.

8. Identifying former tenants of public housing programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a Housing Authority or Section 8 Landlord.

Housing Authority Staff Access to the EIV System

- A. All Housing Staff that have a need to access the EIV System are required to complete and submit the EIV Access Authorization Form & Rules of Behavior and User Agreement to the EIV Coordinator in the local HUD Office.
- B. The user's access will be approved by the Executive Director first in order to be processed by the local HUD Office.

Documentation of EIV Tenant Employment and Income Information.

- A. For each New Admission, the Housing Authority shall:
 - 1. Review the EIV Income Report to confirm/validate family-reported income within 120 days of PIC submission date.
 - 2. Print and maintain a copy of the EIV Income Report to the tenant file.
 - 3. Resolve any income discrepancy with the family within 60 days of the EIV Income Report Date.
- B. For each Interim or Annual Reexamination, the Housing Authority shall:
 - 1. Review the EIV Income Report to confirm/validate family-reported income within 120 days of PIC submission date.
 - 2. Print and maintain a copy of the EIV Income Report to the tenant file.
 - 3. Resolve any income discrepancy with the family within 60 days of the EIV Income Report Date.
- C. For each Interim Reexamination, the Housing Authority shall have the required documentation:

In order to be aware of potential subsidy payment errors, the Housing Authority shall monitor the following EIV Reports on a monthly basis:

- A. Deceased Tenants Report
- B. Identity Verification Report
- C. Immigration Report
- D. Income Validation Tool
- E. Income Discrepancy Report
- F. Multiple Subsidy Report
- G. New Hires Report

Disclosure of an Individual's EIV Information

- A. EIV data of an adult household member may not be shared with another adult household member without written consent of the individual.
- B. EIV information and other information obtained by the Housing Authority may not be disclosed to third parties for any reason, unless the tenant has authorized the disclosure in writing.

Security of EIV Data

The data in EIV contains personal information on individual tenants which is protected under the Federal Privacy Act. The information in EIV may only be used by the Housing Authority to verify employment and income at the time of interim and annual reexaminations.

EIV System Training Information

As a condition of initial and continued access to the EIV System, the Housing staff is required to complete Annual Security Awareness Training and EIV system training.

Notice to Applicants and Tenants

To educate families about EIV and inform them of how it affects their family, the Housing Authority provides applicants and tenants with the “**What You Should Know About EIV Guide**” at the scheduled briefing.

24.0 CIVIL RIGHTS CERTIFICATION

Marinette County Housing Authority will carry out the Section 8 Housing Choice Voucher Program in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disability Act of 1990, and will affirmatively further fair housing.

25.0 RESIDENT ADVISORY BOARD

The Housing Authority shall appoint a Resident Advisory Board. The Board will consist of five Section 8 Voucher participants. At least annually the Housing Authority shall meet with the Resident Advisory Board. The Resident Advisory Board shall provide input and recommendations regarding program operations and policies. Marinette County Housing Authority Board of Commissioners shall consider input from the Resident Advisory Board when making decisions or establishing policies

26.0 ADMINISTRATIVE RESERVES

Administrative reserves shall be used for day to day operations of the Section 8 Voucher Program only.

Any other use of Administrative reserves shall require Board Resolution

27.0 SIGNIFICANT AMENDMENT

A significant amendment shall be defined as a change in policy which redirects the Housing Authority Mission, goals, and/or new policies, activities or program not included in the current Housing Authority plan.

28.0 STATUTES AND REGULATIONS

This Plan is subject to all Statutes and Regulations. In the event of a discrepancy Statutes and Regulations supersede the Administrative Plan.

GLOSSARY

1937 Housing Act: The United States Housing Act of 1937 [42 U.S.C. 1437 et seq.)

Absorption: In portability, the point at which a receiving housing authority stops billing the initial housing authority for assistance on behalf of a portable family. [24 CFR 982.4]

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based.

Administrative fee: Fee paid by HUD to the housing authority for the administration of the program.

Administrative Plan: The plan that describes housing authority policies for the administration of the tenant-based programs.

Admission: The point when the family becomes a participant in the program. In a tenant-based program, the date used for this purpose is the effective date of the first HAP Contract for a family (first day of initial lease term).

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

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

Amortization Payment: In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program.

Annual Income: All amounts, monetary or not, that:

- a. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or
- b. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- c. Are not specifically excluded from Annual Income.

- d. Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access.

Applicant (applicant family): A family that has applied for admission to a program but is not yet a participant in the program.

Assets: see net family assets.

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

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

Certificate: A document issued by a housing authority to a family selected for admission to the Certificate Program. The certificate describes the program and the procedures for housing authority approval of a unit selected by the family. The certificate also states the obligations of the family under the program.

Certification: The examination of a household's income, expenses, and family composition to determine the household's eligibility for program participation and to calculate the household's rent for the following 12 months.

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

Child care expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen: A citizen or national of the United States.

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

Congregate housing: Housing for elderly or persons with disabilities that meets the HQS for congregate housing.

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

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

Continuously assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Voucher Program.

Cooperative: Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.

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

Decent, safe, and sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

Department: The Department of Housing and Urban Development.

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

Disability assistance expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

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

Disabled person: See "person with disabilities."

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

Displaced person: A person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Drug related criminal activity: Illegal use or personal use of a controlled substance, and the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use, of a controlled substance.

Drug trafficking: The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance.

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

Elderly person: A person who is at least 62 years of age.

Evidence of citizenship or eligible status: The documents that must be submitted to evidence citizenship or eligible immigration status.

Exception rent: An amount that exceeds the published fair market rent.

Extremely low-income families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

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

Fair market rent (FMR): The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs are published periodically in the Federal Register.

Family includes but is not limited to:

- a. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- b. An elderly family;
- c. A near-elderly family;
- d. A disabled family;
- e. A displaced family;
- f. The remaining member of a tenant family; and
- g. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

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

Family self-sufficiency program (FSS program): The program established by a housing authority to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share: The portion of rent and utilities paid by the family.

Family unit size: The appropriate number of bedrooms for a family as determined by the housing authority under the housing authority's subsidy standards.

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

FMR/exception rent limit: The Section 8 existing housing fair market rent published by HUD headquarters, or any exception rent. For a tenancy in the Voucher Program, the housing authority may adopt a payment standard up to the FMR/exception rent limit.

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

Enterprise Income Verification (EIV): EIV is a web-based computer system containing employment and income information on individuals participating in HUD's rental assistance programs. This information assists HUD in making sure "the right benefits go to the right persons".

Gross rent: The sum of the rent to the owner plus any utilities.

Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

Head of household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

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

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

Housing quality standards (HQS): The HUD minimum quality standards for housing assisted under the Section 8 program.

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

Housing voucher holder: A family that has an unexpired housing voucher.

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

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

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

Initial Housing Authority: In portability, both: (1) a housing authority that originally selected a family that later decides to move out of the jurisdiction of the selecting housing authority; and (2) a housing authority that absorbed a family that later decides to move out of the jurisdiction of the absorbing housing authority.

Initial payment standard: The payment standard at the beginning of the HAP contract term.

Initial rent to owner: The rent to owner at the beginning of the initial lease term.

Interim (examination): A reexamination of a household's income, expenses, and household status conducted between the annual re-certifications when a change in a household's circumstances warrant such a reexamination.

Jurisdiction: The area in which the housing authority has authority under State and local law to administer the program.

Lease: A written agreement between an owner and tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the housing authority.

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

- a. Is determined to be essential to the care and well-being of the persons;

- b. Is not obligated for the support of the persons; and
- c. Would not be living in the unit except to provide the necessary supportive services.

Low-income families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families. *[1937Act]*

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

Manufacture home space: In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space.

Medical expenses: Medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

Mixed family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Moderate rehabilitation: Rehabilitation involving a minimum expenditure of \$1000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to:

- a. upgrade to decent, safe and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below these standards (improvements being of a modest nature and other than routine maintenance; or
- b. repair or replace major building systems or components in danger of failure.

Monthly adjusted income: One twelfth of adjusted income.

Monthly income: One twelfth of annual income.

Mutual housing is included in the definition of "cooperative".

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

Near-elderly family: A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Net family assets:

- a. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- b. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be

considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.

- c. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value over \$1000.00 (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Non-citizen: A person who is neither a citizen nor national of the United States.

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

Occupancy standards: The standards that the housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

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

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

Payment standard: In a voucher tenancy, the maximum monthly assistance payment for a family (before deducting the total tenant payment by family contribution). For a voucher tenancy, the housing authority sets a payment standard in the range from 90% to 110% of the current FMR.

Person with disabilities: A person who:

- a. Has a disability as defined in Section 223 of the Social Security Act,
"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

- b. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
 - (1) is expected to be of long-continued and indefinite duration,

- (2) substantially impedes his or her ability to live independently, and
 - (3) is of such a nature that such ability could be improved by more suitable housing conditions, or
- c. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act.

"Severe chronic disability that:

- (4) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (5) is manifested before the person attains age 22;
- (6) is likely to continue indefinitely;
- (7) results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
- (8) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial housing authority.

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

Private space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

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

Project-Based Voucher: Rental Assistance is attached to the unit through a competitive process of the AHA.

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

Public Housing Agency: A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

Reasonable rent: A rent to owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted unit in the premises.

Receiving Housing Authority: In portability, a housing authority that receives a family selected for participation in the tenant-based program of another housing authority. The receiving housing authority issues a certificate or voucher and provides program assistance to the family.

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

Remaining member of a tenant family: A member of the family listed on the lease who continues to live in an assisted household after all other family members have left.

Rent to owner: The monthly rent payable to the owner under the lease. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

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

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

Shelter Allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single person: Someone living alone or intending to live alone who does not qualify as an elderly person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

Single room occupancy housing (SRO): A unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

Special admission: Admission of an applicant that is not on the housing authority waiting list, or without considering the applicant's waiting list position.

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

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Statement of family responsibility: An agreement in the form prescribed by HUD, between the housing authority and a Family to be assisted under the Moderate Rehabilitation Program, stating the obligations and responsibilities of the family.

Subsidy standards: Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension: Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the housing authority, from the time when the family submits a request for housing authority approval to lease a unit, until the time when the housing authority approves or denies the request. Also referred to as tolling.

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

Tenant rent: The amount payable monthly by the family as rent to the owner minus any utility allowance.

Third-party (verification): Oral or written confirmation of a household's income, expenses, or household composition provided by a source outside the household, such as an employer, doctor, school official, etc.

Tolling: see suspension.

Total tenant payment (TTP):

- A. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act. which is the higher of:
1. 30% of the family's monthly adjusted income;
 2. 10% of the family's monthly income;
 3. Minimum rent; or
 4. if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under Section 3(a)(1) shall be the amount resulting from one application of the percentage.

Utility allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an

amount equal to the estimate made or approved by a housing authority or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility hook-up charge: In a manufactured home space rental, costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Utility reimbursement: The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.

Violence Against Women Act (VAWA): Provides Protections for Immigrant Women and Victims of Crime

Verification:

- A. The process of obtaining statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors).
- B. The three types of verification are:
 - 1. Third-party verification, either written or oral, obtained from employers, public assistance agencies, schools, etc.)
 - 2. Documentation, such as a copy of a birth certificate or bank statement
 - 3. Family certification or declaration (only used when third-party or documentation verification is not available)

Very low-income families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families. *[1937 Act]*

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

Voucher (rental voucher): A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family and state the obligations of the family under the program.

Voucher holder: A family holding a voucher with unexpired search time.

Waiting list admission: An admission from the housing authority waiting list. *[24 CFR 982.4]*

Welfare assistance. Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. *[24 CFR 5.603(d)]*

Welfare rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.