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## **SECTION 8 ADMINISTRATIVE PLAN**

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### **1.0 EQUAL OPPORTUNITY**

#### ***1.1 FAIR HOUSING***

It is the policy of the PUNTA GORDA 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 grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the PUNTA GORDA HOUSING AUTHORITY housing programs.

To further its commitment to full compliance with applicable Civil Rights laws, the PUNTA GORDA HOUSING AUTHORITY will provide Federal/State/local information to applicants for and participants in the Section 8 Housing Choice Voucher Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the PUNTA GORDA HOUSING AUTHORITY office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The PUNTA GORDA HOUSING AUTHORITY will assist any family that believes they have suffered illegal discrimination by providing them copies of the housing discrimination form. The PUNTA GORDA 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***

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the PUNTA GORDA HOUSING AUTHORITY housing programs and related services. When such accommodations are granted they do not confer special treatment or advantage for the person with a disability; rather, they make the program fully accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the PUNTA GORDA HOUSING AUTHORITY will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are

not always apparent, the PUNTA GORDA HOUSING AUTHORITY will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

### **1.3 COMMUNICATION**

Anyone requesting an application will also receive a Request for Reasonable Accommodation Form.

Notifications of reexamination, inspection, appointment, or termination of assistance will include information about requesting a reasonable accommodation. Any notification requesting action by the participant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests will be in writing.

### **1.4 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION**

- A. Is the requestor a person with disabilities? For this purpose the definition of disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the PUNTA GORDA HOUSING AUTHORITY will obtain verification that the person requesting the accommodation is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the PUNTA GORDA HOUSING AUTHORITY will obtain documentation that the requested accommodation is needed due to the disability. The PUNTA GORDA HOUSING AUTHORITY will not inquire as to the nature of the disability.
- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The PUNTA GORDA HOUSING AUTHORITY's business is housing. If the request would alter the fundamental business that the PUNTA GORDA HOUSING AUTHORITY conducts, that would not be reasonable. For instance, the PUNTA GORDA HOUSING AUTHORITY would deny a request to have the PUNTA GORDA HOUSING AUTHORITY do grocery shopping for the person with disabilities.
2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the PUNTA GORDA HOUSING AUTHORITY may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what they need; however, the PUNTA GORDA HOUSING AUTHORITY retains the right to be shown how the requested accommodation enables the individual to access or use the PUNTA GORDA HOUSING AUTHORITY's programs or services.

If more than one accommodation is equally effective in providing access to the PUNTA GORDA HOUSING AUTHORITY's programs and services, the PUNTA GORDA HOUSING AUTHORITY retains the right to select the most efficient or economic choice.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The Housing Authority does not have responsibility for the owner's unit and does not have responsibility to make the unit accessible. The Housing Authority may, however, grant a higher payment standard for units where property owners make physical modifications for persons with disabilities so long as the payment standard does not exceed 110% of FMRs.

Any request for an accommodation that would enable a participant to materially violate family obligations will not be approved.

## **1.5 LIVE-IN AIDE**

Reasonable accommodation may be approved for a Live-In Aide. A live-in aide is a person who resides permanently with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) 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



live-in aide is not a member of the assisted family and is not entitled to the HCV as the remaining member of the tenant family.

The Housing Authority **must** approve the person identified as the live-in aide. The Housing Authority may disapprove such a person if she/he has (1) committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; (3) do not pass any other criminal background screening criteria contained in the Punta Gorda Housing Authority's Section 8 Administration Plan; and (4) 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.

The Housing Authority **will not** approve an unidentified live-in aide and **will not** approve a larger unit than the family qualifies for under the Housing Authority's subsidy standards until the live-in aide has been identified by the family.

Intermittent, multiple or rotating care givers do not meet the definition of a live-in aide since they do not permanently reside with the family and an additional bedroom will not be approved.

#### **1.6 SERVICES FOR LIMITED-ENGLISH PROFICIENCY PERSONS AND PARTICIPANTS**

The PUNTA GORDA HOUSING AUTHORITY shall do its best, within reason, to assist people with Limited English Proficiency (LEP). This shall be accomplished by assessing the need of LEP persons using the four factors described in the January 22, 2007 Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice published in the Federal Register. The PUNTA GORDA HOUSING AUTHORITY shall balance these factors in deciding what to do:

- A. The number or proportion of LEP persons served or encountered in the eligible service area;
- B. The Frequency with which LEP individuals come in contact with the program;
- C. The nature and importance of the program, activity, or service provided by the program; and
- D. The resources available to the Housing Authority and costs.

Depending upon what this analysis reveals, the PUNTA GORDA HOUSING AUTHORITY may or may not prepare a Language Access Plan (LAP). If a LAP is needed, the guidance outlined in the above reference Notice shall be utilized.

In addition, the PUNTA GORDA HOUSING AUTHORITY will endeavor to have bilingual staff or access to people who speak languages other than English

### ***1.7 FAMILY/OWNER OUTREACH***

The PUNTA GORDA HOUSING AUTHORITY will publicize the availability and nature of the Section 8 Program for extremely low-income and very low families in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons who cannot or do not read newspapers the PUNTA GORDA HOUSING AUTHORITY will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The PUNTA GORDA HOUSING AUTHORITY will also try to utilize public service announcements.

The PUNTA GORDA 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 objective of this effort is to develop a waiting list that is representative of our low-income community. A particular emphasis will be placed on attracting eligible individuals and families least likely to apply for the Housing Choice Voucher Program.

The PUNTA GORDA HOUSING AUTHORITY will hold briefings for owners who participate in or who are seeking information about the Section 8 Program. The briefings are intended to:

- A. Explain how the program works;
- B. Explain how the program benefits owners;
- C. Explain owners' responsibilities (including lead-based paint) under the program. Emphasis is placed on quality screening and ways the PUNTA GORDA HOUSING AUTHORITY helps owners do better screening; and
- D. Provide an opportunity for owners to ask questions, obtain written materials, and meet PUNTA GORDA HOUSING AUTHORITY staff.

The PUNTA GORDA HOUSING AUTHORITY will particularly encourage owners of suitable units located outside of low-income or minority concentration and owners of accessible units to attend. Targeted mailing lists will be developed and announcements mailed.

### **1.8 RIGHT TO PRIVACY**

All adult members of both applicant and participant households are required to annually 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.

### **1.9 REQUIRED POSTINGS**

The PUNTA GORDA HOUSING AUTHORITY will post, in each of its offices in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. The Section 8 Administrative Plan
- B. Notice of the status of the waiting list (opened or closed)
- C. Address of all PUNTA GORDA HOUSING AUTHORITY offices, office hours, telephone numbers, TDD numbers, and hours of operation
- D. Income Limits for Admission
- E. Informal Review and Informal Hearing Procedures
- F. Fair Housing Poster
- G. Equal Opportunity in Employment Poster

## **2.0 PUNTA GORDA HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATION OF THE FAMILY**

This Section outlines the responsibilities and obligations of the PUNTA GORDA HOUSING AUTHORITY, the Section 8 Owners/Landlords, and the participating families.

## **2.1 PUNTA GORDA HOUSING AUTHORITY RESPONSIBILITIES**

- A. The PUNTA GORDA HOUSING AUTHORITY will comply with the consolidated ACC, the application the PUNTA GORDA HOUSING AUTHORITY submitted to HUD to get the specific vouchers, HUD regulations and other requirements, and this Section 8 Administrative Plan.
  
- B. In administering the program, the PUNTA GORDA HOUSING AUTHORITY will:
  - 1. Publish and disseminate information about the availability and nature of housing assistance under the program;
  - 2. Explain the program to owners and families, including both party's rights and responsibilities under the Violence Against Women Act;
  - 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 people with disabilities find satisfactory housing;
  - 7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a housing choice 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 in accordance with 24 CFR part 5;
  - 10. Review the family's request for approval of the tenancy 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 at least annually during the family's participation in the program. The examination includes verification of income and other family information;
16. Establish and adjust the PUNTA GORDA HOUSING AUTHORITY utility allowance;
17. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the PUNTA GORDA HOUSING AUTHORITY, if the owner defaults (e.g., HQS violation);
18. Determine whether to terminate assistance to a participant family for violation of family obligations;
19. Conduct informal reviews of certain PUNTA GORDA HOUSING AUTHORITY decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain PUNTA GORDA 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. Administer an FSS program.

## **2.2 OWNER RESPONSIBILITY**

- A. The owner is responsible for performing all of 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 selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit (screening the tenant).
  2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
  3. Complying with equal opportunity requirements.
  4. Complying with the Housing Assistance Program contract (HAP).
  5. Preparing and furnishing to the PUNTA GORDA HOUSING AUTHORITY information required under the HAP contract.
  6. 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 housing assistance payment).
    - c. Any charges for unit damage by the family.
  7. Entering into a lease and enforcing tenant obligations under the lease.
  8. Paying for utilities and services (unless paid by the family under the lease).
- C. For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities see 24 CFR 100.203.
- D. The owner is responsible for notifying the PUNTA GORDA HOUSING AUTHORITY **sixty (60) calendar days prior** to any rent increase.

### **2.3 OBLIGATIONS OF THE PARTICIPANT**

This Section states the obligations of a participant family under the program.

- A. Supplying required information
1. The family must supply any information that the PUNTA GORDA HOUSING AUTHORITY or HUD determines is necessary in the

administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.

2. The family must supply any information requested by the PUNTA GORDA HOUSING AUTHORITY or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements. Families that report they have zero income **or** are receiving a utility reimbursement check from the Housing Authority may be required to complete and submit income reports on a scheduled basis to PGHA.
3. The family must disclose and verify Social Security Numbers and must sign and submit consent forms for obtaining information.
4. All information supplied by the family must be true and complete.

B. HQS breach caused by the Family

The family is responsible for any HQS breach caused by the family or its guests.

C. Allowing PUNTA GORDA HOUSING AUTHORITY Inspection

The family must allow the PUNTA GORDA HOUSING AUTHORITY to inspect the unit at reasonable times and after at least **two (2)** calendar days notice according to state law.

D. Violation of Lease

The family may not commit any serious or repeated violation of the lease, including failure to pay rent and/or any utilities owed landlord under the lease.

E. Family Notice of Move or Lease Termination

The family must notify the PUNTA GORDA HOUSING AUTHORITY and the owner before the family moves out of the unit or terminates the lease by a notice to the owner.

F. Owner Eviction Notice

The family must promptly give the PUNTA GORDA HOUSING AUTHORITY a copy of any owner eviction notice it receives.

G. Use and Occupancy of the Unit

1. The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.
2. The PUNTA GORDA HOUSING AUTHORITY must approve the composition of the assisted family residing in the unit. The family must inform the PUNTA GORDA HOUSING AUTHORITY within **ten (10) calendar days in writing** of the birth, adoption or court-awarded custody of a child. The family must request approval from the PUNTA GORDA HOUSING AUTHORITY to add any other family member as an occupant of the unit. No other person (i.e., no one but members of the assisted family) may reside in the unit (except for a foster child/foster adult or live-in aide as provided in paragraph (4) of this Section). Families must obtain prior written approval from the Housing Authority before permitting persons not on the lease to reside in the unit more than **14 calendar days** per year.
3. The family must notify the PUNTA GORDA HOUSING AUTHORITY within **ten (10) calendar days**, in writing, if any family member no longer resides in the unit.
4. If the PUNTA GORDA HOUSING AUTHORITY has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The PUNTA GORDA HOUSING AUTHORITY has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the PUNTA GORDA HOUSING AUTHORITY consent may be given or denied.
5. Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. Any business uses of the unit must comply with the lease, zoning requirements, and the affected household member must obtain all appropriate licenses.
6. The family must not sublease or let the unit.
7. The family must not assign the lease or transfer the unit.

H. Absence from the Unit



The family must supply any information or certification requested by the PUNTA GORDA HOUSING AUTHORITY to verify that the family is living in the unit, or relating to family absence from the unit, including any PUNTA GORDA HOUSING AUTHORITY requested information or certification on the purposes of family absences. The family must cooperate with the PUNTA GORDA HOUSING AUTHORITY for this purpose. The family must promptly notify the PUNTA GORDA HOUSING AUTHORITY of its absence from the unit.

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to **30 calendar days**. The family must request permission from the PUNTA GORDA HOUSING AUTHORITY for absences **exceeding 30 calendar days**. The PUNTA GORDA HOUSING AUTHORITY will make a determination within **five (5) calendar days** of the request. An authorized absence may not exceed 180 calendar days. Any family absent for more than 30 calendar days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

1. Prolonged hospitalization
2. Absences beyond the control of the family (i.e., death in the family, other family member illness)
3. Other absences that are deemed necessary by the PUNTA GORDA HOUSING AUTHORITY

I. Interest in the Unit

The family may not own or have any interest in the unit (except for owners of manufactured housing renting the manufactured home space or people using a housing choice voucher to purchase a home).

J. Fraud and Other Program Violation

The members of the family must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.

K. Crime by Household Members

The members of the household may not engage in drug-related criminal activity or other violent criminal activity or other criminal activity that threatens the health

safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

L. Other Housing Assistance

An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

M. Alcohol and/or Drug Abuse By Household Members

The members of the household must not abuse alcohol and/or drugs in a way that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons residing in the immediate vicinity of the premises.

N. Engage or Threaten Abusive or Violent Behavior

The family including each family member must not engage in or threaten abusive or violent behavior towards any Punta Gorda Housing Authority staff member or resident.

### **3.0 ELIGIBILITY FOR ADMISSION**

#### **3.1 INTRODUCTION**

There are five eligibility requirements for admission to Section 8 -- qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security Numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the PUNTA GORDA HOUSING AUTHORITY screening criteria in order to be admitted to the Section 8 Program.

#### **3.2 ELIGIBILITY CRITERIA**

A. Family status - All families must have a Head of 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.

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 **disabled family**, 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.
- d. For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

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** is a family member of an assisted family who remains in the unit when other family members have left the unit.
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.

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 family that is:
  - a. An extremely low-income or a very low-income family;
  - b. A low-income family continuously assisted under the 1937 Housing Act, including families relocated from public housing for the convenience of the agency (continuously assisted families are not counted against the income targeting requirements);
  - c. A low-income family that meets additional eligibility criteria specified by the Housing Authority specified in this Administrative Plan and that is consistent with the agency's Annual Plan and its jurisdiction's Consolidated Plan;
  - d. A low-income family that is a non-purchasing resident in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CFR 248.173;
  - e. A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.
2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease. When assistance decreases to 0, a family shall be notified that their participation

in the program will end in 180 days.

3. The applicable income limit for issuance of a housing choice voucher is the highest income limit for the family size for areas within the housing authority's jurisdiction. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.
4. Families who are moving into the PUNTA GORDA HOUSING AUTHORITY's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority must meet the income limit for the area where they are initially assisted under the program.
5. Families who are moving into the PUNTA GORDA HOUSING AUTHORITY's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for the PUNTA GORDA HOUSING AUTHORITY program.
6. Income limit restrictions do not apply to families transferring units within the PUNTA GORDA HOUSING AUTHORITY Section 8 Program.

C. Citizenship/Eligible Immigrant status

To be eligible for a housing choice voucher at least one member of the family must be a citizen, national, or a noncitizen 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)) or a citizen of the Republic of Marshall Islands, the Federated States of Micronesia, or the Republic of Palau. However, people in the last category are not entitled to housing assistance in preference to any United States citizen or national resident within Guam.

Family eligibility for assistance.

1. A family shall not be eligible for assistance unless at least one 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 one of three types of assistance (See Section 11.5(F) for calculating rents under the noncitizen rule).
3. A family without any eligible members and receiving assistance on June 19, 1995, may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members must provide a Social Security Number or certify that they do not have one. Adults must certify for minors.

E. Signing Consent Forms

1. 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, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
  - a. A provision authorizing HUD and the PUNTA GORDA HOUSING AUTHORITY to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
  - b. A provision authorizing HUD or the PUNTA GORDA HOUSING AUTHORITY to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
  - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
  - d. A statement allowing the PUNTA GORDA HOUSING AUTHORITY permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and
  - e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

F. Suitability for tenancy

The PUNTA GORDA HOUSING AUTHORITY determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides. The PUNTA GORDA HOUSING AUTHORITY will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area, the PUNTA GORDA HOUSING AUTHORITY may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form designed by the PUNTA GORDA HOUSING AUTHORITY. The information received as a result of the criminal background check shall be used solely for screening purposes. The information shall be maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the PUNTA GORDA HOUSING AUTHORITY's action has expired without a challenge or final disposition of any litigation has occurred.

The PUNTA GORDA HOUSING AUTHORITY will check with the State sex offender registration program and will ban for life any individual who is registered as a lifetime sex offender. The PUNTA GORDA HOUSING AUTHORITY will check with our state registry and if the applicant has resided in another State(s), with that State(s)'s list.

If an applicant is about to be denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the denial or eviction occurs.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the PUNTA GORDA HOUSING AUTHORITY will provide to the owner the name, address, and phone number of the applicant's current landlord and any previous landlords that are known to the housing authority.

In addition, if an owner submits a request to the PUNTA GORDA HOUSING AUTHORITY for criminal records concerning an adult member of an applicant or resident household, signed consent forms, and the owner's standards for

prohibiting admission, the PUNTA GORDA HOUSING AUTHORITY must request the criminal conviction records from the appropriate law enforcement agency or agencies, as determined by the Housing Authority. If the PUNTA GORDA HOUSING AUTHORITY receives criminal conviction records requested by an owner, the PUNTA GORDA HOUSING AUTHORITY must determine whether criminal action by a household member, as shown by such criminal conviction records, may be a basis for applicant screening, lease enforcement or eviction, as applicable in accordance with HUD regulations and the owner's criteria. The PUNTA GORDA HOUSING AUTHORITY must notify the owner whether the Housing Authority has received criminal conviction records concerning the household member, and of its determination whether such criminal conviction records may be a basis for applicant screening, lease enforcement or eviction. However, the PHA must not disclose the household member's criminal conviction record or the content of that record to the owner, but merely the fact of whether or not they comply with HUD regulations and the owner's criteria. The PUNTA GORDA HOUSING AUTHORITY will charge owners a fee of **\$50.00** for this service.

The same service shall be available to owners of federally assisted housing in their attempt to determine if an applicant is on the state sex offender list upon the request of the owner. Once again, the information itself will not be disclosed to the owner; the PUNTA GORDA HOUSING AUTHORITY will merely apply the criteria the owner establishes. The fee for this service shall be **\$50.00**.

G. Special College Student Eligibility Rules

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

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



## **4.0 MANAGING THE WAITING LIST**

### **4.1 *OPENING AND CLOSING THE WAITING LIST***

Opening of the waiting list will be announced via public notice that applications for Section 8 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 also by any available minority media. The public notice will state any limitations regarding to who may apply. The Notice will comply with HUD Fair Housing requirements.

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, and also in any available minority media.

### **4.2 *TAKING APPLICATIONS***

Families wishing to apply for the Section 8 Program will be required to complete a pre-application for housing assistance. Pre-applications will be accepted online **ONLY** at [www.puntagordaha.org](http://www.puntagordaha.org) during dates and times as posted on our website and advertised in area newspapers of general circulation. Paper pre-applications will not be accepted or mailed to interested families.

Assistance or exceptions to the online submittal **ONLY** policy will be made for those claiming disabilities. Persons with disabilities who require a reasonable accommodation in completing a pre-application may call the PUNTA GORDA HOUSING AUTHORITY to make special arrangements to complete their pre-application.

Applicants who are deaf, hard-of-hearing or speech impaired are encouraged to dial the national “711” Telecommunication Relay Service and be prepared to give the relay service the Punta Gorda Housing Authority’s number of (941) 639-4344.

Pre-applications are taken to compile a wait list. Due to the demand for Section 8 assistance in the PUNTA GORDA HOUSING AUTHORITY jurisdiction, the PUNTA GORDA HOUSING AUTHORITY may “open” the wait list and take pre-applications during a defined number of days only, depending on the length of the wait list.

When the wait list is open to accept pre-applications, completed pre-applications will be accepted from all applicants. Only one pre-application will be accepted per household.

Once the wait list is “closed”, a lottery will be conducted to compile a wait list of predetermined size. All pre-applications pulled in the lottery will be assigned a lottery

number as they are pulled, then ranked by preferences, per Section 5.2 of this Policy. Those pre-applications with the same preference score will be ranked by the assigned lottery number. When the lottery ranking is completed, the PUNTA GORDA HOUSING AUTHORITY will post the list of all successful applicants, by the applicant's application confirmation number, on PGHA's website, [www.puntagordaha.org](http://www.puntagordaha.org).

The application process will involve two phases. The first phase is the initial online pre-application for housing assistance as described above. The pre-application requires the family to provide limited basic information (i.e. family composition, income, etc.)

The PUNTA GORDA HOUSING AUTHORITY will verify the information in the pre-application of those applicants placed on the wait list relevant to the applicant's eligibility, admission, and level of benefit. This first phase results in an "apparently eligible" family remaining on the wait list.

If the PUNTA GORDA HOUSING AUTHORITY determines a family to be ineligible to remain on the wait list, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

The apparently eligible applicant remaining on the wait list must report changes in writing regarding their applicant status, including changes in family composition, address, contact information and income. The PUNTA GORDA HOUSING AUTHORITY provides preferences for housing selection, so it is important to provide information that changes the applicant's preference status (see preferences, Section 5.2) and position on the wait list. The PUNTA GORDA HOUSING AUTHORITY will annotate the applicant's file and will update the applicant's place on the waiting list. No changes will be taken over the phone or via email.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the wait list. The PUNTA GORDA HOUSING AUTHORITY will ensure that verification of all preferences, eligibility, suitability and selection factors are current (less than 90 calendar days old) in order to determine the family's final eligibility for admission into the Section 8 Program.

#### **4.3 ORGANIZATION OF THE APPLICANT FILES**

The Applicant files will be maintained in accordance with the following guidelines:

- A. The application will be maintained in the applicant's file;
- B. Any significant contact between the PUNTA GORDA HOUSING AUTHORITY and the applicant will be documented in the applicant file.

- C. All files (applicant or participant) shall be retained for three years from the date the file is closed, whether this is due to the surrender of a housing choice voucher or the removal of a person from the waiting list, whichever is later.

Note: The Applicant waiting list cannot be maintained by bedroom size under current HUD regulations.

#### **4.4 FAMILIES NEARING THE TOP OF THE WAITING LIST**

When a family nears the top of the waiting list, the family will be invited to an interview and the verification process will begin. Annual income must be verified within **60 calendar days** of the issuance of a housing choice voucher.

Once eligibility has been verified the family will complete a full application, present Social Security Number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

#### **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 PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

#### **4.6 PURGING THE WAITING LIST**

The PUNTA GORDA HOUSING AUTHORITY will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents interested families. Purging also enables the Housing Authority to update the information regarding address, family composition, and income category.

The purge shall consist of the PUNTA GORDA HOUSING AUTHORITY mailing via first class mail a form to be completed by the person on the waiting list and returned to the housing authority within a specified number of calendar days. If the envelope is returned as undeliverable or if no response is received from the applicant within the specified time frame, the applicant shall be stricken from the waiting list. If the envelope

is returned with a forwarding address on it, the housing authority shall mail the form to the new address, with a new deadline for response.

#### **4.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST**

The PUNTA GORDA HOUSING AUTHORITY will not remove an applicant's name from the waiting list unless:

- A. The applicant requests in writing 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;
- C. The applicant does not meet either the eligibility or screening criteria for the program; or
- D. The applicant has been issued a Housing Choice Voucher.

Applicants will be offered the right to an informal review before being removed from the waiting list. The reason for all removals from the waiting list shall be carefully documented in the applicant's file and retained for three years from the date the file is closed.

#### **4.8 GROUNDS FOR DENIAL**

The PUNTA GORDA HOUSING AUTHORITY is **required by HUD regulations** under CFR 24 §982.552 and §983.553 to deny admission when:

- A. PGHA determines any household member is currently engaged in illegal use of a drug. For purposes of this section, a member is "currently engaged in" the criminal activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current.
- B. PGHA determines it has reasonable cause to believe a household member's illegal drug use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- C. Any family member has ever been convicted of manufacturing or producing methamphetamine in a public housing development, in a Section 8 assisted property, or on the premises of other federally assisted housing. Denial is for Life.

- D. Any family member has a lifetime registration under a State sex offender registration program. Denial is for Life.
- E. PGHA determines it has reasonable cause to believe a 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.
- F. Household does not supply information or documentation required by the application process, such as executed consent forms, evidence of citizenship or eligible immigration status.
- G. Any family member has been evicted from federally assisted housing for drug-related criminal activity within three years. However, PGHA may admit the household if PGHA determines:
  - 1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by PGHA; or
  - 2. Circumstances leading to the eviction no longer exist (for example, criminal household member has died or is imprisoned.)

In addition, the Punta Gorda Housing Authority will reject applicants by authority provided to the Housing Authority under CFR 24 §982.552 and §982,553 when applicant or any family member:

- A. Does not meet any one or more of the eligibility criteria;
- B. Has been evicted from federally assisted housing for drug-related criminal activity within five years. The five (5) year limit is based on the date of such eviction, not the date the crime was committed. However, PGHA may admit the household if PGHA determines:
  - 1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by PGHA; or
  - 2. Circumstances leading to the eviction no longer exist (for example, criminal household member has died or is imprisoned.)
- C. Fails to respond to a written request for information or a request to declare their continued interest in the program or fail to complete any aspect of the application or lease-up process;

- D. Has a history of not meeting financial obligations, especially rent and security deposits.
- E. Does not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants or people residing in the immediate vicinity.
- F. Has a history of criminal activity involving crimes of physical violence against persons or property and/or any other criminal activity including drug or alcohol related criminal activity that would adversely affect the health, safety or well-being of other tenants or staff or cause damage to the property even if he/she has not been arrested, convicted or prosecuted for said conduct. A household member having a history of criminal activity must meet the following criteria for their eligibility for assistance to be considered:
  - 1. A person who has engaged in or been arrested, convicted or prosecuted for violent criminal activity is not eligible for the Section 8 housing program until five (5) years from the date he/she has last participated in violent criminal activity or successfully completed his/her sentence and or probationary term. PGHA will consider all relevant circumstances, such as seriousness of the case, extent of culpability , mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.
  - 2. A person who has engaged in drug or alcohol related criminal activity that would adversely affect the health, safety or well-being of other tenants or staff or cause damage to the property is not eligible for the Section 8 Housing program until five (5) years from the date that the person last participated in activity or successfully completed an approved and certified drug or alcohol rehabilitation program and/or has successfully completed any sentence or probationary period resulting from said drug or alcohol related criminal activity. PGHA will consider all relevant circumstances, such as seriousness of the case, extent of culpability , mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.
- G. Has a history of criminal activity, including but not limited to, crimes such as arson, murder, attempted murder, homicide, criminally negligent homicide, kidnapping, manslaughter, rape, sexual assault, sexual abuse or felony crimes against children. Denial is for life.
- H. Has engaged in drug-related criminal activity limited to illegal use or possession for personal use of a controlled substance within three (3) three years prior to the date of application for the Section 8 Housing program, even if he/she has not been

arrested, convicted or prosecuted for said conduct. After three years, PGHA will consider all relevant circumstances, such as seriousness of the case, extent of culpability, mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.

- I. Has engaged in one (1) misdemeanor charge(s) or conviction(s) that does not involve crimes of physical violence against persons or property or drug-related criminal activity may be considered for Section 8 Housing assistance through the screening process on a case-by-case basis.
- J. Has engaged in felonious (felony), non-violent criminal activity within the last five years. After five (5) years PGHA will consider all relevant circumstances, such as seriousness of the case, extent of culpability, mitigating circumstances, and effect of denial on other family members when determining eligibility for admission to program.
- K. Has a history of disturbing neighbors or destruction of property;
- L. Currently owes rent or other amounts to any housing authority in connection with their Public Housing or Section 8 programs;
- M. Has 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 from;
- N. Has engaged in other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PUNTA GORDA HOUSING AUTHORITY (including a PUNTA GORDA HOUSING AUTHORITY employee or a PUNTA GORDA HOUSING AUTHORITY contractor, subcontractor or agent).
- O. Who is a fugitive felon, parole violator, and/or person fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- P. Has violated any family obligations under previous participation in the program;
- Q. Has a family member that the PUNTA GORDA HOUSING AUTHORITY ever terminated assistance for under the program;
- R. Has engaged in or threatened abusive or violent behavior towards any PUNTA GORDA HOUSING AUTHORITY staff member or resident;

- S. Has, as a welfare-to-work (WTW) family, failed, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

If the PUNTA GORDA HOUSING AUTHORITY denies admission to the PUNTA GORDA HOUSING AUTHORITY's Housing Choice Voucher program on the basis of a criminal record, the PUNTA GORDA HOUSING AUTHORITY will provide the person with the criminal record (i.e., the family member) and the applicant head of household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record, in the procedures for the Informal Review Process for Applicants. The applicant will have **ten (10) calendar days** to dispute the accuracy and relevance of the record in writing. If the PUNTA GORDA HOUSING AUTHORITY does not receive the dispute within the allotted time, the applicant will be denied.

Being a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission. The Authority will require verification in all cases where an applicant claims protection against an action proposed to be taken by the Authority involving such individual. Types of acceptable verifications are outlined in Section 17.2 of this Section 8 Administrative Plan, and must be submitted within **ten (10) calendar days** after receipt of the Housing Authority's written request for verification.

#### **4.9 NOTIFICATION OF NEGATIVE ACTIONS**

Any applicant whose name is being removed from the waiting list will be notified by the PUNTA GORDA HOUSING AUTHORITY, in writing, that they have **ten (10) calendar days**, from the date of the written correspondence, to present mitigating circumstances or request an informal review in writing. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The PUNTA GORDA HOUSING 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 PUNTA GORDA HOUSING AUTHORITY will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the PUNTA GORDA 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.

#### **4.10 INFORMAL REVIEW**

If the PUNTA GORDA HOUSING AUTHORITY determines that an applicant does not meet the criteria for receiving Section 8 assistance, the PUNTA GORDA 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 10 calendar days** of the denial. The PUNTA GORDA HOUSING AUTHORITY will describe how to obtain the informal review. The informal review process is described in Section 16.2 of this Plan.

## **5.0 SELECTING FAMILIES FROM THE WAITING LIST**

### **5.1 WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS**

The Housing Authority may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the PUNTA GORDA HOUSING AUTHORITY will use the assistance for those families. If this occurs, the PUNTA GORDA HOUSING AUTHORITY will maintain records demonstrating that these targeted housing choice vouchers were used appropriately. When one of these targeted vouchers turns over, the voucher shall be issued to applicants with the same specific characteristic as the targeted program describes.

### **5.2 PREFERENCES**

Consistent with the PUNTA GORDA HOUSING AUTHORITY Agency Plan and this Administration Plan, the PUNTA GORDA HOUSING AUTHORITY maintains applications on its waiting list in order of date and time of application. The PUNTA GORDA HOUSING AUTHORITY will select families from its waiting list according to the following preferences based on local housing needs and priorities. They are consistent with the PUNTA GORDA HOUSING AUTHORITY's Agency Plan and the Consolidated Plan that covers its jurisdiction.

- A. Residents in the PUNTA GORDA HOUSING AUTHORITY Public Housing Program who are required to move and who cannot be placed in another public housing unit. **10 points**
- B. Applicants who reside or work in the Punta Gorda Housing Authority's jurisdiction at the time of application and admission to the HCV Program. If applicable, this preference will be added to Preferences C and D below. **3 points**

- C. Applicants displaced through no fault of their own 1) by government action, or 2) because their home was extensively damaged or destroyed as a result of a disaster (fire, flood, hurricane, etc.) declared by the Punta Gorda Housing Authority Board of Commissioners and the Executive Director. All information will be verified by qualified government agencies, County building inspectors, police or fire department records, etc. (Applicants who qualify for this preference may also qualify for D below.) **2 points**
- D. Applicants whose head, co-head/spouse or sole member has verifiable employment prior to admission at a minimum of 20 hours per week **OR** households whose head and co-head/spouse or sole member is age 62 or older or is receiving social security disability benefits, supplemental security income, disability benefits, or any other payment based on the individual's inability to work. **4 points.**
- E. All other applicants by assigned lottery number.

The assigned lottery number will be noted and utilized to determine the sequence within the above prescribed preferences.

Households in all preferences remain on the waiting list until removed according to 4.7 of this Administration Plan.

The PUNTA GORDA HOUSING AUTHORITY will not exclude or penalize a family in admission to the program, solely because the family resides in public housing.

### **5.2.1 HOUSING FOR FEDERALLY DECLARED DISASTER VICTIMS**

In the case of a federally declared disaster, the PUNTA GORDA HOUSING AUTHORITY reserves the right for its Board of Commissioners and its Executive Director to suspend its preference system whatever duration is deemed appropriate and to admit victims of the disaster to the program instead of those who would be normally admitted. Any other provisions of this policy can also be suspended during the emergency at the discretion of the Board of Commissioners and the Executive Director so long as the provision suspended does not violate a law. If regulatory waivers are necessary, they shall be promptly requested of the HUD Assistant Secretary for Public and Indian Housing

### **5.3 SELECTION FROM THE WAITING LIST**

The assigned lottery number will be utilized to determine the sequence within the above-prescribed preferences.

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD), the PUNTA GORDA 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.

If there are not enough extremely low-income families on the waiting list, the Punta Gorda Housing Authority will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

## **6.0 ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)**

The PUNTA GORDA HOUSING AUTHORITY determines the appropriate number of bedrooms under its subsidy standards for families of different sizes and compositions and enters the family bedroom unit size on the voucher issued to the family. The subsidy standard must comply with housing quality standards (HQS) space requirements, provide for the smallest number of bedrooms needed to house the family without overcrowding and must be applied consistently for all families of like size and composition.

These subsidy standards are based on HQS standards that allow two persons per bedroom or living/sleeping room.

In determining bedroom size, the PUNTA GORDA 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 currently under a **50% or more** joint custody decree, children who are temporarily away at school or temporarily in foster-care, and any approved live-in aide.

The family bedroom size determined by the PUNTA GORDA HOUSING AUTHORITY in accordance with these guidelines does not dictate the size of unit the family must actually lease, nor does it determine who within the household will share a bedroom/sleeping room. The family may select a unit that may be larger or smaller than the family bedroom size determined by PGHA. If the family selects a smaller or larger unit, the payment standard shall be the lower of the payment standard for the family bedroom size or the bedroom size of the unit rented by the family.

The following guidelines apply when determining each family's bedroom size.

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

- A. Two adults of the same sex will share a bedroom. A minor child who will turn 18 during the lease term will be considered an adult when determining bedroom size.
- B. Children of the same sex will share a bedroom.
- C. Children of the opposite sex will share a bedroom until one child reaches the age of six.
- D. Foster adults and foster children will be included in determining bedroom size only if they will be in the unit for more than 12 months as confirmed by the placing agency or courts.
- E. Adults and children over the age of two (2) will not be required to share a bedroom.
- F. A family consisting of a pregnant woman, with no other persons, must be treated as a two person family and will receive a one-bedroom voucher.
- G. Single person families will receive a one (1) bedroom.
- H. Adults of the opposite sex, except spousal/partner relationships, will receive separate bedrooms.

The PUNTA GORDA HOUSING AUTHORITY will grant exceptions to normal occupancy standards when a family requests a smaller or larger size than the guidelines allow in the following cases.

- A. On a case by case basis, when a housing unit with very small or very large bedrooms, or other specific situation, such as a den or study, encourage or inhibit a higher or lower level of occupancy, so long as desired occupancy does not violate local occupancy code.
- B. When an additional bedroom is needed for medical equipment or medical need, if the need is documented by a health care provider. The actual equipment in the extra bedroom or use of the extra bedroom for medical need will be verified by the Housing Authority at admission and at each annual recertification.
- C. For an approved Live-in Aide who lives in the unit permanently. The Live-In Aide will receive a separate bedroom. No additional bedrooms will be allocated for the Live-in Aide's family.

If the extra bedroom approved for use of medical equipment/ medical need or a Live-In Aide is not being used for the intended purpose, the Housing Authority will reduce the subsidy standard and corresponding payment standard at the family's next annual recertification. If the Housing Authority believes any family obligations under 24 CFR Section 982.551 were violated, the Housing Authority will take further actions in accordance with the Punta Gorda Housing Authority Administration Plan.

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom unit. (24 CFR 982.402(b)(7))

## **6.1 BRIEFING**

When the PUNTA GORDA HOUSING AUTHORITY selects a family from the waiting list, the family will be invited to attend a briefing explaining how the program works. In order to receive a housing choice voucher **all of the adult members of the family** are required to attend the briefing. If they cannot attend the originally scheduled briefing, they may attend a later session. 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.

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;
- F. An explanation of the advantages of living in an area that does not have a high concentration of poor families, including maps that show locations of housing opportunities outside areas of poverty or minority concentration, both within and outside its jurisdiction and neighboring its jurisdiction; has assembled information about job opportunities, schools, transportation, and other services in these areas;
- G. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard when the family initially rents a unit and the fact that the family may have to pay a security deposit from its own funds.

## **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 housing choice voucher and the Housing Authority's policy on extensions and suspensions of the term. The packet will include information on how to request an extension and forms for requesting extensions;
- 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 rent areas, and the utility allowance schedule;
- D. How the Housing Authority determines the maximum rent for an assisted unit;

- E. Where the family may lease a unit. For families qualified to lease outside the Housing Authority's jurisdiction, the packet includes an explanation of how portability works and a list of names, addresses and phone numbers of contact persons at neighboring housing authorities;
- F. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease, and a sample contract;
- G. The request for approval of the tenancy form and an explanation of how to request Housing Authority approval of a unit;
- H. A statement of the Housing Authority's policy on providing information to prospective owners. This policy requires applicants to sign disclosure statements allowing the Housing Authority to provide prospective owners with the family's current and prior addresses and the names and addresses of the landlords for those addresses;
- I. The Housing Authority's subsidy standards, including when the Housing Authority will consider granting exceptions to the standards such as a reasonable accommodation to a person with a disability;
- J. The HUD brochure on how to select a unit ("A Good Place to Live");
- K. The HUD-required lead-based paint brochure;
- L. Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;
- M. A list of landlords or other parties known to the PUNTA GORDA HOUSING AUTHORITY who may be willing to lease a unit to the family or help the family find a unit, including owners with properties located outside areas of poverty or minority concentration;
- N. Notice that if the family includes a person with disabilities, the family may request a current list of accessible units known to the PUNTA GORDA HOUSING AUTHORITY that may be available;
- O. The family's obligations under the program;
- P. The grounds upon which the Housing Authority may terminate assistance because of the family's action or inaction;

- Q. PUNTA GORDA HOUSING AUTHORITY informal hearing procedures, including when the Housing Authority is required to provide the opportunity for an informal hearing, and information on how to request a hearing;
- R. The PUNTA GORDA HOUSING AUTHORITY owner information brochure. This brochure can be given by the applicant to a prospective owner to help explain the program;
- S. An explanation of rights afforded to Housing Choice Voucher participants under the Violence Against Women Act; and

### **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 PUNTA GORDA HOUSING AUTHORITY will issue the housing choice 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, the HUD required tenancy addendum and the request for approval of the tenancy form. The terms of the HUD tenancy addendum shall prevail over any conflicting provisions of the lease. The family will submit the proposed lease and the request form to the Housing Authority during the term of the housing choice voucher. The Housing Authority will review the request, the lease, and the HUD required tenancy addendum 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 **15 calendar days** after the receipt of inspection request from the family and owner. The **15 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.

During the initial stage of qualifying the unit, the Housing Authority will provide the prospective owner with information regarding the program. Information will include Housing Authority and owner responsibilities for screening and other essential program elements. The Housing Authority will provide the owner with the family's current and prior address as shown in the Housing Authority records along with the name and address (if known) of the landlords for those addresses.



Additional screening is the responsibility of the owner.

#### **6.4 TERM OF THE HOUSING CHOICE VOUCHER**

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

The Housing Authority may grant one or more extensions of the term, but the initial term plus any extensions will not exceed **120 calendar days** from the initial date of issuance without an extraordinary reason. To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request. A sample extension request form and a form for recording their search efforts will be included in the family's briefing packet. If the family documents their efforts and additional time can reasonably be expected to result in success, the Housing Authority will grant the length of request sought by the family or **60 calendar days, whichever is less**.

If the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension allowing the family the full **120 calendar days** search time. If the Housing Authority determines that additional search time would be a reasonable accommodation, it will grant the additional search time.

Upon submittal of a completed request for approval of tenancy form, the PUNTA GORDA HOUSING AUTHORITY will suspend the term of the housing choice voucher. The term will be in suspension until the date the Housing Authority provides notice that the request has been approved or denied. This policy allows families the full term (60 calendar days, or more with extensions) to find a unit, not penalizing them for the period during which the Housing Authority is taking action on their request.

**If a family's voucher expires, the family is no longer eligible for housing assistance.**

They are free to re-apply to the Housing Choice Voucher program and start over again. If the waiting list is closed, they must wait until the PUNTA GORDA HOUSING AUTHORITY is once again accepting applicants for the Section 8 program. They will be treated exactly like all other new applicants for the program.

#### **6.5 APPROVAL TO LEASE A UNIT**

The PUNTA GORDA HOUSING AUTHORITY will approve a lease if all of 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 following:
  - 1. The names of the owner and the resident;
  - 2. The address of the unit rented;
  - 3. The term of the lease (initial term and any provisions for renewal);
  - 4. The amount of the monthly rent to owner;
  - 5. A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family; and
  - 6. The required HUD 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 if the gross rent exceeds the applicable payment standard;
- F. The owner certifies that he or she is not in a conflict of interest situation with the resident (i.e., a family member, rent benefits the tenant, etc.)
- G. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the Housing Authority; and
- H. The family continues to meet all eligibility and screening criteria.

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

The lease term may begin only after all of the following conditions are met:

- A. The unit passes the Housing Authority HQS inspection;
- B. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard;

- C. The landlord and resident sign the lease to include the HUD required addendum; and
- D. The Housing Authority approves the leasing of the unit.

The Housing Authority will prepare the contract when the unit is approved for tenancy. Generally, the landlord, simultaneously with the signing of the lease and the HUD required tenancy addendum, will execute the contract. Upon receipt of the executed lease and the signed 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 calendar days** after the beginning of the lease term.

Any contract executed after the **60-day period will be void** and the Housing Authority **will not** pay housing assistance to the owner.

#### **6.6 PUNTA GORDA HOUSING AUTHORITY DISAPPROVAL OF OWNER**

The Housing Authority will deny participation by an owner at the direction of HUD (one who has been debarred, suspended, or is subject to a limited denial of participation). The Housing Authority will also deny the owner's participation for any of the following reasons:

- A. The owner has violated any obligations under a Section 8 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 Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
- E. The owner has a history or practice of renting units that fail to meet State or local codes;
- F. The owner has not paid State or local real estate taxes, fines, or assessments;

- G. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the:
  - 1. premises by residents, PUNTA GORDA HOUSING AUTHORITY employees or owner employees; or
  - 2. residences by neighbors;
- H. If the owner is the parent, child, grandparent, grandchild, sister, or brother or any member of the family of an applicant seeking the initial use of a housing choice voucher (currently shopping) unless the PUNTA GORDA HOUSING AUTHORITY determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;
- I. The Housing Authority has been informed by HUD that the federal government has instituted an administrative or judicial action against the owner for a violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending or a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements; or
- J. Other conflicts of interest under Federal, State, or local law.

**6.7 *INELIGIBLE/ELIGIBLE HOUSING***

The following types of housing cannot be assisted under the Section 8 Tenant-Based Program:

- A. A public housing or Indian housing unit;
- B. A unit receiving project-based assistance under a Section 8 Program;
- 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 or units being purchased under a Section 8 Homeownership Program; 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 PUNTA GORDA HOUSING AUTHORITY **will not approve** a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities

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

The PUNTA GORDA HOUSING AUTHORITY will approve leases for the following housing types:

- A. Single family dwellings
- B. Apartments
- C. Manufactured housing
- D. Manufactured home space rentals
- E. Lease-purchase agreements. A family leasing a unit with assistance under the program may enter into an agreement with an owner to purchase the unit. So long as the family is receiving such rental assistance, all requirements applicable to families otherwise leasing units under the tenant-based program apply. Any homeownership premium (e.g., increment of value attributable to the value of the lease-purchase right or agreement such as an extra monthly payment to accumulate a down payment or reduce the purchase price) included in the rent to the owner that would result in a higher subsidy amount than would otherwise be paid by the PUNTA GORDA HOUSING AUTHORITY must be absorbed by the family.

In determining whether the rent to owner for a unit subject to a lease-purchase agreement is a reasonable amount in accordance with 24 CFR 982.503, any homeownership premium paid by the family to the owner must be excluded when the PUNTA GORDA HOUSING AUTHORITY determines rent reasonableness.

If a property has both HUD issued project-based assisted units and market rate units, housing choice vouchers can be utilized in the market rate units, but not the project-based units. In this situation, rent reasonableness will dictate that the rent for the housing choice voucher unit will equal the HUD-approved rent (the basic rent) for the project-based units as long as it is within the PUNTA GORDA HOUSING AUTHORITY's payment standard. Also, the PUNTA GORDA HOUSING AUTHORITY's utility schedule will be utilized in setting the rent for the tenant-based vouchers, not the property's utility schedule. Finally, the PUNTA GORDA HOUSING AUTHORITY will re-certify everyone living in a property utilizing tenant-based housing choice vouchers and the landlord will be responsible for the re-certification of those residing in the property using project-based vouchers.

## **6.8 SECURITY DEPOSIT**

The owner may collect a security deposit from the participant 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 residents in the same complex.

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

The owner must give the participant 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 resident in compliance with State law.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

## **7.0 MOVES WITH CONTINUED ASSISTANCE**

Participating families are allowed to move to another unit after the initial lease 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 PUNTA GORDA

HOUSING AUTHORITY will issue the family a new housing choice voucher if the family does not owe the PUNTA GORDA HOUSING AUTHORITY or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a housing choice voucher **within the last 12 months**, and if the PUNTA GORDA HOUSING AUTHORITY has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice, the 12-month requirement may be waived.

### **7.1 WHEN A FAMILY MAY MOVE**

For families already participating in the Housing Choice Voucher Program, the PUNTA GORDA 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 resident a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the participant (if the family has not violated its family obligations under the Section 8 program); or
- C. The participant has given notice of lease termination (if the participant has a right to terminate the lease on notice to the owner).

### **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 PUNTA GORDA HOUSING AUTHORITY's jurisdiction, will be required to attend a mover's briefing prior to the PUNTA GORDA 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 if the gross rent exceeds the applicable payment standard when initially renting a unit;
- E. Portability requirements and opportunities;
- F. The need to have an annual reexamination conducted within **60 calendar 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 calendar 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 PUNTA GORDA 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 PUNTA GORDA 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 PUNTA GORDA 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 PUNTA GORDA 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 POLICIES OF THE PUNTA GORDA HOUSING AUTHORITY**

A family whose head or spouse has a domicile (legal residence) in the jurisdiction of the PUNTA GORDA HOUSING AUTHORITY at the time the family first submits its application for participation in the program to the PUNTA GORDA HOUSING AUTHORITY may lease a unit anywhere in the jurisdiction of the PUNTA GORDA HOUSING AUTHORITY or outside the PUNTA GORDA HOUSING AUTHORITY jurisdiction as long as there is another entity operating a tenant-based Housing Choice Voucher program covering the location of the proposed unit and is approved by the Punta Gorda Housing Authority..

If the head or spouse of the assisted family does not have a legal residence in the jurisdiction of the PUNTA GORDA HOUSING AUTHORITY at the time of its application, the family will not have any right to lease a unit outside of the PUNTA GORDA 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 located in the jurisdiction of the PUNTA GORDA HOUSING AUTHORITY.

Families participating in the Housing Choice Voucher Program **will not be allowed to move more than once in any 12-month period and under no circumstances will the PUNTA GORDA HOUSING AUTHORITY allow a participant to improperly break a lease.** The PUNTA GORDA HOUSING AUTHORITY will waive this policy when a reasonable accommodation request to move is due to a disability of a family member.

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

For income targeting purposes, the family will ~~not~~ count towards the initial housing authority's goals unless the receiving housing authority absorbs the family. If absorbed, the admission will count towards the receiving housing authority's goals.

The Punta Gorda Housing Authority may opt to deny portability moves and moves with~~in~~ the PHA jurisdiction if the Housing Authority does not have sufficient funds under its calendar year budget to subsidize families that move to a higher cost area or unit. "Higher cost area" is defined as an area where a higher subsidy amount will be paid for a family because of higher payment standard amounts or "more generous" subsidy standards (e.g., the receiving PHA issues a 3-bedroom voucher to a family that received a 2-bedroom voucher from the initiating PHA). This is a denial to move for insufficient funding under §982.314(e)(1). The Punta Gorda Housing Authority would only approve portability moves if the receiving Housing Authority is willing to absorb the family.

If a family has moved out of their assisted unit in violation of the lease, the PUNTA GORDA HOUSING AUTHORITY **will not issue a voucher and will terminate assistance in compliance with Section 17.0, Termination of the Lease and Contract.**

Any of the above general policies may be waived by the PUNTA GORDA HOUSING AUTHORITY in order to help participants who are compliant with their existing leases but who reasonably believe they need to move to protect the health and/or safety of a victim of domestic violence, dating violence or stalking. In order to exercise this waiver, the participant shall provide the PUNTA GORDA HOUSING AUTHORITY with appropriate verification. Types of acceptable verifications are outlined in Section 17.2 of this Section 8 Administrative Plan, and must be submitted within **14 calendar days** after receipt of the Housing Authority's written request for verification.

## **8.2 INCOME ELIGIBILITY**

- A. A family must be income-eligible in the area where the family first leases a unit with assistance in the Housing Choice Voucher Program.
- B. If a portable family is already a participant in the Initial Housing Authority's Housing Choice Voucher Program, income eligibility is not re-determined.

## **8.3 PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY**

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

## **8.4 PORTABILITY PROCEDURES**

- A. When the PUNTA GORDA HOUSING AUTHORITY is the Initial Housing Authority:
  - 1. The PUNTA GORDA HOUSING AUTHORITY will brief the family on the process that must take place to exercise portability. The family **will** be required to attend an applicant or mover's briefing.

2. The PUNTA GORDA HOUSING AUTHORITY will determine whether the family is income-eligible in the area where the family wants to lease a unit if the family is not already a program participant.
3. The PUNTA GORDA HOUSING AUTHORITY will advise the family how to contact and request assistance from the Receiving Housing Authority by giving them the name and telephone number of the person responsible for working with incoming portability families and any procedures related to getting an appointment for the issuance of a voucher.
4. The PUNTA GORDA HOUSING AUTHORITY will, **within ten (10) calendar days**, notify the Receiving Housing Authority to expect the family via telephone, fax or email.
5. The PUNTA GORDA HOUSING AUTHORITY will immediately mail or fax the Receiving Housing Authority a completed Part I of HUD Form 52665, the most recent HUD Form 50058 (Family Report) for the family, and related verification information. If the family is an applicant and not a participant, the PUNTA GORDA HOUSING AUTHORITY will provide the Receiving Housing Authority with the family information and income information in a format similar to that utilized by the 50058.

B. When the PUNTA GORDA HOUSING AUTHORITY is the Receiving Housing Authority:

1. When the portable family requests assistance from the PUNTA GORDA HOUSING AUTHORITY, the PUNTA GORDA HOUSING AUTHORITY will within **fourteen (14) calendar days** of HAP contract execution (not its effective date) inform the Initial Housing Authority that it will absorb the family into its program or notify the Initial Housing Authority within the time limit set forth in Part I of the 52665 that it will bill the Initial Housing Authority for assistance on behalf of the portable family. Completing Part II of HUD Form 52665 in a timely manner will accomplish this. If the family is absorbed, the PUNTA GORDA HOUSING AUTHORITY will also send the Initial Housing Authority a new HUD Form 50058.
2. The PUNTA GORDA HOUSING AUTHORITY will issue a voucher to the family **within fourteen (14) calendar days** as long as the initial voucher has not expired (if it has expired, the family shall be referred back to the Initial Housing Authority). The term of the PUNTA GORDA HOUSING AUTHORITY's voucher will not expire before the expiration

date of any Initial Housing Authority's housing choice voucher. The PUNTA GORDA HOUSING AUTHORITY will determine whether to extend the housing choice voucher term. The decision to extend will take into account the PUNTA GORDA HOUSING AUTHORITY's existing absorption policy and the billing deadline date provided by the Initial Housing Authority in the 52665. If an extension is granted, the Initial Housing Authority will be informed of this decision. The family must submit a request for tenancy approval to the PUNTA GORDA HOUSING AUTHORITY during the term of the PUNTA GORDA HOUSING AUTHORITY's housing choice voucher. If the PUNTA GORDA HOUSING AUTHORITY has decided to bill the Initial Housing Authority, the request for tenancy approval must be processed in enough time for the Initial Housing Authority to process a Request for Lease Approval and execute a HAP contract before the billing deadline date.

3. The PUNTA GORDA HOUSING AUTHORITY will determine the family unit size for the portable family. The family unit size is determined in accordance with the PUNTA GORDA HOUSING AUTHORITY's subsidy standards.
4. The PUNTA GORDA HOUSING AUTHORITY will 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 housing choice voucher. In any event the PUNTA GORDA HOUSING AUTHORITY will notify the Initial Housing Authority of what is occurring before the expiration of the deadline established in the HUD Form 52665. If the family has leased a unit, the PUNTA GORDA HOUSING AUTHORITY will notify the Initial Housing Authority of this fact in enough time for the Initial Housing Authority to process a Request for Lease Approval and execute a HAP contract if the PUNTA GORDA HOUSING AUTHORITY intends to bill the Initial Housing Authority.
5. In order to provide tenant-based assistance for portable families, the PUNTA GORDA HOUSING AUTHORITY will perform all Housing Authority program functions, such as reexaminations of family income and composition. At any time, either the Initial Housing Authority or the PUNTA GORDA HOUSING AUTHORITY may make a determination to deny or terminate assistance to the family. If assistance is denied or terminated, the family shall have a right to an informal hearing.

6. The PUNTA GORDA HOUSING AUTHORITY may deny or terminate assistance for family action or inaction in accordance with 24 CFR 982.552 and 24 CFR 982.553.
7. Although the PUNTA GORDA HOUSING AUTHORITY will promptly issue a voucher to an incoming portability family, it will still subject the families to its normal screening procedures. If the family fails to pass the screening thresholds either the voucher will be revoked or the family will be terminated from the program if a unit has already been leased.

C. Absorption by the PUNTA GORDA HOUSING AUTHORITY

If funding is available under the consolidated ACC for the PUNTA GORDA HOUSING AUTHORITY's Housing Choice Voucher Program when the portable family is received, the PUNTA GORDA HOUSING AUTHORITY **may** absorb the family into its Housing Choice Voucher Program. The decision to absorb or not will be made on a case-by-case basis and will solely be the decision of the PUNTA GORDA HOUSING AUTHORITY. If absorbed, the family is assisted with funds available under the consolidated ACC for the PUNTA GORDA HOUSING AUTHORITY's Tenant-Based Program.

D. Portability Billing

To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees as long as all HUD required deadlines have been complied with. The billing procedure will be as follows:

1. As the Initial Housing Authority, the PUNTA GORDA HOUSING AUTHORITY will within thirty (30) calendar days of receipt of the completed Part II of the HUD Form 52665 reimburse the Receiving Housing Authority for the full amount of the housing assistance payments made by the Receiving Housing Authority for the portable family in a form and manner the Receiving Housing Authority is able and willing to accept. Payments made after the first payment shall be sent in time for the Receiving Housing Authority to receive the payment no later than the fifth working day of the month. 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.
2. 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.

E. When a Portable Family Moves

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 first Receiving Housing Authority is no longer required to provide assistance for the family.

F. On-going Responsibilities as a Receiving Housing Authority

When the PUNTA GORDA HOUSING AUTHORITY is a receiving agency it will:

1. Send the Initial Housing Authority an updated HUD Form 50058 at each annual recertification so the Initial Housing Authority can reconcile it with its records.
2. Send the Initial Housing Authority a copy of any new HUD Forms 52665s and 50058s to report any change in the billing amount within 10 working days of the effective date of any change in the billing amount.
3. If the PUNTA GORDA HOUSING AUTHORITY decides to absorb a family it had previously been billing for, it shall notify the Initial Housing Authority within 10 working days following the effective date of the termination of the billing arrangement.
4. **If the family decides it wants to move to yet another jurisdiction, the Initial Housing Authority shall be promptly notified and requested to send a new HUD Form 52665 and supporting documentation to the new Receiving Housing Authority.**

## 9.0 DETERMINATION OF FAMILY INCOME

### 9.1 INCOME, EXCLUSIONS AND DEDUCTIONS FROM INCOME

To determine annual income, the PUNTA GORDA 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 PUNTA GORDA

HOUSING AUTHORITY subtracts 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 family head 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
3. Are not specifically excluded from annual income.

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

B. Annual income includes, but is not limited to the amounts specified in the federal regulations currently found in 24 CFR 5.609:

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 HUD. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.

4. The full amount of 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. Welfare assistance payments
    - 1). Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
      - i. Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
      - ii. Are not otherwise excluded under paragraph Section 9.3 of this Plan.
    - 2). 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. Imputed welfare income.
- 1). A family's annual income includes the amount of imputed welfare income (because of welfare benefits reductions resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements, as specified in notice to the PUNTA GORDA HOUSING AUTHORITY by the welfare agency), plus the total amount of other annual income.
  - 2). At the request of the PUNTA GORDA HOUSING AUTHORITY, the welfare agency will inform the PUNTA GORDA HOUSING AUTHORITY **in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction**, and will also inform the PUNTA GORDA HOUSING AUTHORITY of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PUNTA GORDA HOUSING AUTHORITY will use this information to determine the amount of imputed welfare income for a family.
  - 3). A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PUNTA GORDA HOUSING AUTHORITY by the welfare agency).

- 4). The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
- 5). The PUNTA GORDA HOUSING AUTHORITY will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- 6). If a participant is not satisfied that the PUNTA GORDA HOUSING AUTHORITY has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PUNTA GORDA HOUSING AUTHORITY denies the family's request to modify such amount, then the PUNTA GORDA HOUSING AUTHORITY shall give the resident written notice of such denial, with a brief explanation of the basis for the PUNTA GORDA HOUSING AUTHORITY's determination of the amount of imputed welfare income. The PUNTA GORDA HOUSING AUTHORITY's notice shall also state that if the resident does not agree with the determination, the resident may contest the decision in accordance with our informal review policy.
- 7). Relations with welfare agencies
  - i. The PUNTA GORDA HOUSING AUTHORITY will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PUNTA GORDA HOUSING AUTHORITY written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

- ii. The PUNTA GORDA HOUSING AUTHORITY is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the agency. However, the PUNTA GORDA HOUSING AUTHORITY is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
  - iii. Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PUNTA GORDA HOUSING AUTHORITY shall rely on the welfare agency notice to the PUNTA GORDA HOUSING AUTHORITY of the welfare agency's determination of a specified welfare benefits reduction.
- 7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
  - 8. 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 EXCLUSIONS FROM INCOME**

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609:

- 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 participant 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 are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- E. Income of a live-in aide;
- F. The amount of student financial assistance paid directly to the student or to the educational institution for tuition. For Section 8, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income;
- G. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- H. 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. Amounts received under a resident service stipend. A resident service stipend is a modest amount (**not to exceed \$200 per month**) received by a resident for performing a service for the Housing Authority or owner, on a

part time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiative coordination, and serving as a member of the PUNTA GORDA HOUSING AUTHORITY's governing board. No resident may receive more than one such stipend during the same period of time;

5. 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;
6. Temporary, nonrecurring, or sporadic income (including gifts);
7. 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;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
11. 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;
12. 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
13. 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 provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b. Payments to Volunteers under the domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);
- h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));

- k. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent*-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
- r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
- s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
- t. The \$600 transitional assistance subsidy, for applicants and tenants enrolled in the Medicare transitional assistance program, effective the date of receiving the benefits and any negotiated drug discounts received pursuant to the Medicare prescription drug discount card.

This expires on May 15, 2006 or when the participant enrolls in the Medicare Prescription Drug Program.

- u. Any low-income subsidy received to assist low-income persons in paying for their Medicare prescription drug Program.

#### **9.4 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. The sum of the following, to the extent the sum exceeds three percent of annual income:
  - 1. Unreimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program; and
  - 2. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
- D. Reasonable child care expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.
- E. For persons with disabilities already participating in the program, the incremental earnings due to employment during a cumulative 12-month period following the date of the initial hire shall be excluded. This exclusion is only available to the following families:
  - 1. Families whose income increases as a result of employment of a disabled family member who was previously unemployed (defined as working less than 10 hours a week at the established minimum wage) for one or more years.



2. Families whose income increases during the participation of a disabled family member in any economic self-sufficiency or other job training program.
3. Persons with disabilities who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program for at least \$500.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is **limited to a lifetime 48-month period**. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

#### **9.5 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME**

- A. If a Section 8 participant receives a letter or notice from HUD concerning the amount or verification of family income, the letter shall be brought to the person responsible for income verification **within thirty (30) calendar days** of receipt by the participant.
- B. The Section 8 Housing Specialist shall reconcile any difference between the amount reported by the participant and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. After the reconciliation is complete, the PUNTA GORDA HOUSING AUTHORITY shall, if appropriate, adjust the participant's rental contribution beginning at the start of the next month. **If the reconciliation is completed during the final five (5) calendar days of the month, the new rent shall take effect on the first day of the second month following the end of the current month.** In addition, if the participant had not previously reported the proper income, the PUNTA GORDA HOUSING AUTHORITY shall do one of the following:
  1. Immediately collect the back over paid assistance paid by the agency;
  2. Establish a repayment plan for the resident to pay the sum due to the agency;
  3. Terminate the participant from the program for failure to report income; or

4. Terminate the participant from the program for failure to report income and collect the back over paid assistance paid by the agency.

## **9.6 COOPERATING WITH WELFARE AGENCIES**

The PUNTA GORDA HOUSING AUTHORITY will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

- A. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency.
- B. To provide written verification to the PUNTA GORDA HOUSING AUTHORITY concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

## **9.7 COOPERATING WITH LAW ENFORCEMENT AGENCIES**

The PUNTA GORDA HOUSING AUTHORITY will comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. The PUNTA GORDA HOUSING AUTHORITY will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State or local enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

- A. The law enforcement agency shall notify PUNTA GORDA HOUSING AUTHORITY that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;

- B. The location or apprehension of the recipient is within the PUNTA GORDA HOUSING AUTHORITY's official duties; and,
- C. The request is made in the proper exercise of the law enforcement agency's official duties.

## **10.0 VERIFICATION**

The PUNTA GORDA HOUSING AUTHORITY will verify information related to eligibility, admission and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. 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 noncitizen 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, 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 the following five verification methods acceptable to HUD, in the order of preference indicated:

#### **1. Up-front Income Verifications (UIV)**

UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current UIV resources include the following:

- a. **Enterprise Income Verification (EIV)** – HUD's online wage and benefit system that allows PHAs to verify tenant-reported income from an independent source in computerized form.
- b. **State Wage Information Collection Agencies (SWICAs)**

- c. **State systems for the Temporary Assistance for Needy Families (TANF) program**
- d. **Credit Bureau Information (CBA) credit reports**
- e. **Internal Revenue Service (IRS) Letter 1722**
- f. **Private sector databases (e.g. The Work Number)**

The PUNTA GORDA HOUSING AUTHORITY will use additional UIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate.

It is important to note that UIV data will only be used to verify a participant's eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until the PUNTA GORDA HOUSING AUTHORITY has **independently** verified the UIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the PUNTA GORDA HOUSING AUTHORITY requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the PUNTA GORDA HOUSING AUTHORITY derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

## **2. Third –Party Written Verifications**

This type of verification includes written documentation, with forms sent directly to and received directly from a source, not passed through the hands of the family. It may also be a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, etc.

Third-party written verifications may also be used to supplement Up-front Income Verifications. *They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the UIV results.*

Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's on-line systems. If either of these forms of verification are not obtainable, then the file shall be documented as to why third party verification was not used.

The PUNTA GORDA HOUSING AUTHORITY will allow two (2) weeks for the return of third party written verifications prior to continuing on to the next type of verification.

### **3. Third-Party Oral Verifications**

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The PUNTA GORDA HOUSING AUTHORITY will allow five (5) calendar days for the return of third party oral verifications prior to continuing on to the next type of verification.

### **4. Review of Documents**

When UIV, written and oral third party verifications are not available within the two (2) week and five (5) calendar days period allowed in paragraphs 2 and 3 above, the Housing Authority will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

**5. Self-Certification and Self-Declaration**

When UIV, written and oral third party verifications are not available within the two (2) week and five (5) calendar days period allowed in paragraphs 2 and 3 above, and hand-carried verification cannot be obtained, the Housing Authority will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

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.

When any verification method other than Up-Front Income Verification is utilized, the PUNTA GORDA HOUSING AUTHORITY will document the reason for the choice of the verification methodology in the applicant/resident’s file.

**10.2 TYPES OF VERIFICATION**

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the PUNTA GORDA HOUSING AUTHORITY will send a request form to the source along with a release form signed by the applicant/participant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, electronic reports	Social Security card or a third party document stating the Social Security Number
Adult Status of the Head of Household		Valid drivers license, identification card issued by a government agency, or a birth certificate.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
Citizenship	N/A	Signed certification, voter's registration card, birth certificate.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school and/or college students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition; live-aide verification form	N/A
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Medicare Prescription Drug Coverage		A card issued by the private prescription drug plan with the words Medicare Rx on it.
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property held as an investment	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of whole life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
<b>Income</b>		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence



Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Social Security Administration		Letter from Social Security as verified by HUD computer systems
Periodic payments (i.e., welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> <li>- whether enrolled</li> <li>- whether training is HUD-funded</li> <li>- whether State or local program</li> <li>- whether it is employment training</li> <li>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> </ul>	N/A

### **10.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS**

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. (They will be required to show proof of their status by such means as birth certificate, military ID or military DD 214 Form.)

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a

declaration of their status and a verification consent form and provide their original INS documentation. The PUNTA GORDA HOUSING AUTHORITY will make a copy of the individual's INS documentation and place the copy in the file. The PUNTA GORDA HOUSING AUTHORITY also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the PUNTA GORDA HOUSING AUTHORITY will mail information to the INS so a manual check can be made of INS records.

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

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program. If they are members of families that include citizens, the rent must be pro-rated.

Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

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 PUNTA GORDA HOUSING AUTHORITY determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of **24 months** from the date of termination.

#### ***10.4 VERIFICATION OF SOCIAL SECURITY NUMBERS***

Prior to admission, 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 best verification of the Social Security Number is the original Social Security card. If the card is not available, the PUNTA GORDA HOUSING AUTHORITY will accept letters from Social Security that establish and state the number. Documentation from other governmental agencies will also be accepted that establish and state the number. Driver's license, military ID, passports, or other official documents that establish and

state the number are also acceptable.

If individuals state that they do not have a Social Security Number they will be required to sign a statement to this effect. An adult must sign for minor children. The PUNTA GORDA 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.

If a member of a participating family indicates they have a Social Security Number, but cannot readily verify it, they shall be asked to certify to this fact and shall up to 60 calendar days to provide the verification. If the individual is at least 62 years of age, they will be given 120 calendar days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated.

#### ***10.5 TIMING OF VERIFICATION***

Verification must be **dated within sixty (60) calendar 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.

#### ***10.6 FREQUENCY OF OBTAINING VERIFICATION***

Household income and composition will be verified at least annually, unless required less frequently by revisions to HUD requirements,

Families that report they have zero income **or** are receiving a utility reimbursement check from the Housing Authority may be required to complete and submit income reports on a scheduled basis to PGHA.

For each family member, citizenship/eligible noncitizen status will be verified only once unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

For each family member verification of Social Security Number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security Number at admission receives a Social Security Number, that number will be verified at the next regular reexamination.

### ***10.7 SPECIAL VERIFICATION FOR ADULT STUDENTS***

In addition to other verification procedures, student head of households must provide a written signed certification that the student does or does not receive any financial support from his or her parents or guardians and whether or not the student is receiving an athletic scholarship. If support is received, the certification must state the amount of the anticipated support. The PUNTA GORDA HOUSING AUTHORITY shall verify using normal third party verification procedures that amount by communicating directly with the supporting person(s). If an athletic scholarship is involved, the PUNTA GORDA HOUSING AUTHORITY shall determine if any of the scholarship is available for housing costs.

## **11.0 RENT AND HOUSING ASSISTANCE PAYMENT**

### ***11.1 GENERAL***

[Reserved]

### ***11.2 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 calendar days** before the contract anniversary date there is a 5% decrease in the published FMR as compared to the previous FMR; and
- C. If the Housing Authority or HUD directs that reasonableness be re-determined.

### ***11.3 COMPARABILITY***

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

comparable units. The results of this determination shall be documented in the participant's file.

The Housing Authority will maintain current survey information on rental units in the jurisdiction. The Housing Authority will also obtain from landlord associations and management firms the value of the array of amenities.

The Housing Authority will establish minimum base rent amounts for each unit type and bedroom size. To the base the Housing Authority will be able to add or subtract the dollar value for each characteristic and amenity of a proposed unit.

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 the rents charged for other units. By accepting the housing assistance payment each month the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

#### **11.4 MAXIMUM SUBSIDY**

The payment standard adopted by the PUNTA GORDA HOUSING AUTHORITY or one over 110% of the Fair Market Rent that has been approved by HUD determines the maximum subsidy for a family.

For the Housing Choice Voucher Program, the minimum payment standard will be 90% of the FMR and the maximum payment standard will be 110% of the FMR without prior approval from HUD, or the exception payment standard approved by HUD.

For a voucher tenancy in an insured or noninsured 236 project, a 515 project of the Rural Development Administration, or a Section 221(d)(3) below market interest rate project the maximum subsidy may not exceed the basic rent charged including the cost of tenant-paid utilities.

For manufactured home space rental, the maximum subsidy under any form of assistance is the Fair Market Rent for the space as outlined in 24 CFR 982.888.

##### **11.4.1 Setting the Payment Standard**

The Statute requires that the payment standard be set by the Housing Authority ~~at~~ between 90 and 110% of the FMR without HUD's prior approval. The PUNTA GORDA HOUSING AUTHORITY will review its determination of the payment standard annually

after publication of the FMRs. The PUNTA GORDA 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 housing choice voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program. If it is determined that success rates will suffer or that families are having to rent low quality units located only in poverty-impacted neighborhoods, or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships. The objective is to allow families a reasonable selection of modest, decent, and safe housing in a range of neighborhoods.

The PUNTA GORDA HOUSING AUTHORITY may establish a higher payment standard (although still within 110% of the published fair market rent) as a reasonable accommodation for a family that includes people with disabilities. With approval of the HUD Field Office, the payment standard can increase to 120%.

If a higher payment standard is needed as a reasonable accommodation, the PUNTA GORDA HOUSING AUTHORITY shall submit the following to HUD:

- A. A statement from a health care provider regarding the nature of the disabled person's disability(ies) and the features of the unit (which may include its location) which meet that person's needs.
- B. The contract rent and utility allowance for the unit.
- C. A statement from the agency that it has determined the rent for the unit is reasonable, and that the unit has the feature(s) required to meet the needs of the person with disabilities as noted in the statement from the health care provider.
- D. The household's monthly adjusted income.
- E. The FMR for the unit size for which the family is eligible.
- F. Proposed effective date of the new lease or actual effective date of the lease renewal.

**Payment standards will not be raised solely to allow the renting of larger units or luxury quality units.**

If success levels are projected to be extremely high and rents are projected to be at or below 30% of income, the Housing Authority will reduce the payment standard. Payment standards for each bedroom size are evaluated separately so that the payment standard for

one bedroom size may increase or decrease while another remains unchanged. The PUNTA GORDA HOUSING AUTHORITY may consider adjusting payment standards at times other than the annual review when circumstances warrant.

Before increasing any payment standard, the Housing Authority will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

#### **11.4.2 Selecting the Correct Payment Standard for a Family**

- A. For the housing choice 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 the unit rented by a family is located in an exception rent area, the Housing Authority will use the appropriate payment standard for the exception rent area.
- C. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
  - 1. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
  - 2. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- D. At the next annual reexamination following a change in family size or composition during the HAP contract term and for any reexamination thereafter, paragraph C above does not apply.
- D. If there is a change in family unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the **next** annual reexamination.

#### **11.4.3 Area Exception Rents**

In order to help families find housing outside areas of high poverty or when housing choice voucher holders are having trouble finding housing for lease under the program,

the Housing Authority may request that HUD approve an exception payment standard rent for certain areas within its jurisdiction. The areas may be of any size, though generally not smaller than a census tract. The Housing Authority may request one such exception payment standard area or many. Exception payment standard rent authority may be requested for all or some unit sizes, or for all or some unit types. The exception payment standard area(s) may not contain more than 50% of the population of the FMR area.

When an exception payment standard rent has been approved and the FMR increases, the exception rent remains unchanged until such time as the Housing Authority requests and HUD approves a higher exception payment standard rent. If the FMR decreases, the exception payment standard rent authority automatically expires.

### **11.5 ASSISTANCE AND RENT FORMULAS**

#### **A. Total Tenant Payment**

The total tenant payment is equal to the highest of:

1. 10% of the family's monthly income
2. 30% of the family's adjusted monthly income
3. The Minimum rent
4. If the family is receiving payments for welfare assistance from a public agency and a part of those 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 those 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 this provision is the amount resulting from one application of the percentage.

Plus any rent above the payment standard.

#### **B. Minimum Rent.**

The PUNTA GORDA HOUSING AUTHORITY has set the minimum rent as **\$50.00**. However, if the family requests a hardship exemption, the PUNTA GORDA 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 of a temporary 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 including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
  - b. When the family would be evicted because it is unable to pay the minimum rent;
  - c. When the income of the family has decreased because of changed circumstances, including loss of employment; and
  - d. 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.
3. Temporary 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 calendar days** from the month following 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.
4. 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.
5. Appeals. The family may use the informal hearing procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the informal hearing procedures.

C. Section 8 Preservation Vouchers

1. Payment Standard

- a. The payment standard is the lower of:
  - i. The payment standard amount for the appropriate family unit size; or
  - ii. The payment standard amount for the size of the dwelling unit actually rented by the family.
- b. If the dwelling unit is located in an exception area, the PUNTA GORDA HOUSING AUTHORITY will use the appropriate payment standard for the exception area.
- c. During the HAP contract term, the payment standard for the family is the higher of :
  - i. The initial payment standard (at the beginning of the HAP contract term), as determined in accordance with paragraph (1)(a) or (1)(b) of this section, minus any amount by which the initial rent to the owner exceeds the current rent to the owner; or
  - ii. The payment standard as determined in accordance with paragraph (1)(a) or (1)(b) of this section, as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- d. At the next regular reexamination following a change in family composition that causes a change in family unit size during the HAP contract term, and for any examination thereafter during the term:
  - i. Paragraph (c)(i) of this section does not apply; and
  - ii. The new family unit size must be used to determine the payment standard.

2. The PUNTA GORDA HOUSING AUTHORITY will pay a monthly housing assistance payment on behalf of the family that equals the lesser of:
  - a. The payment standard minus the total tenant payment; or
  - b. The gross rent minus the total tenant payment.

D. 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 participant 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.

E. Rent for Families under the Noncitizen Rule

A mixed family will receive full continuation of assistance if all of the following conditions are met:

1. The family was receiving assistance on June 19, 1995;
2. The family was granted continuation of assistance before November 29, 1996;
3. The family's head or spouse has eligible immigration status; and

4. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

The family's assistance is prorated in the following manner:

1. Find the prorated housing assistance payment (HAP) by dividing the HAP by the total number of family members, and then multiplying the result by the number of eligible family members.
2. Obtain the prorated family share by subtracting the prorated HAP from the gross rent (contract rent plus utility allowance).
3. The prorated resident rent equals the prorated family share minus the full utility allowance.

## **11.6 UTILITY ALLOWANCE**

The Housing Authority maintains a utility allowance schedule for all tenant-paid utilities (except telephone and cable television), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).

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 as a whole 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 with the PUNTA GORDA HOUSING AUTHORITY.

The Housing Authority uses the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the Housing Authority subsidy standards).

At each reexamination, the Housing Authority applies the utility allowance from the most current utility allowance schedule.

The Housing Authority will approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

The utility allowance will be subtracted from the family's share to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the owner. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the participant. Any savings resulting from utility costs below the amount of the allowance belong to the participant. **Utility allowance checks will be paid directly to the utility company on the tenant's behalf.**

Families that report they have zero income **or** are receiving a utility reimbursement check from the Housing Authority must complete a quarterly minimum rent or zero income report and submit the report along with original bills/receipts for every expense listed. Zero income participants living on a fixed-income, such as social security or SSI, as their sole means of support will be limited to reporting at the time of recertification and within ten (10) days of receiving an updated benefits determination letter.

#### ***11.7 DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT***

The Housing Authority pays the owner the lesser of the housing assistance payment or the rent to owner. If payments are not made within **30 calendar days** of when due after the first two months of the HAP contract term, the owner may charge the PUNTA GORDA HOUSING AUTHORITY a late payment, agreed to in the Contract and in accordance with generally accepted practices in the Punta Gorda jurisdiction if the following conditions apply:

- A. It is the owner's practice to charge such penalties for assisted and unassisted residents; and
- B. The owner also charges such penalties against the resident for late payment of family rent to the owner.

Late charges will not be paid when the reason for the lateness is attributable to factors beyond the control of the PUNTA GORDA HOUSING AUTHORITY.

A housing assistance payment is considered made upon being mailed by the PUNTA GORDA HOUSING AUTHORITY.

Unless otherwise terminated, the housing assistance payment contract shall end **180 calendar days** after the last housing assistance payment is made.

## **11.8 CHANGE OF OWNERSHIP**

The PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY's rent payment or the address as to where the rent payment should be sent.

In addition, the PUNTA GORDA HOUSING AUTHORITY requires a written request from the new owner to process a change of ownership. The following documents must accompany the written request:

- A. Deed of Trust showing the transfer of title; and
- B. Tax Identification Number or Social Security Number.

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

## **12.0 INSPECTION POLICIES, HOUSING QUALITY STANDARDS, AND DAMAGE CLAIMS**

The PUNTA GORDA HOUSING AUTHORITY will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Existing Program unless the HQS is met. Units will be inspected at least annually, unless required less frequently by revisions to HUD requirements, and at other times as needed, to determine if the units meet HQS. If there is a swimming pool within the boundaries of the property, the pool must not be a danger to the health, safety and general welfare of the occupants, especially young children.

The PUNTA GORDA HOUSING AUTHORITY must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment 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 PUNTA GORDA HOUSING AUTHORITY will only schedule one more inspection. **If the family misses two inspections, the PUNTA GORDA HOUSING AUTHORITY**

**will consider the family to have violated a Family Obligation and their assistance will be terminated.**

## ***12.1 TYPES OF INSPECTIONS***

There are seven types of inspections the PUNTA GORDA HOUSING AUTHORITY will perform:

- A. Initial Inspection - An inspection that must take place to ensure that the unit passes HQS before assistance can begin.
- B. Annual Inspection - An inspection to determine that the unit continues to meet HQS.
- C. Complaint Inspection - An inspection caused by the Authority receiving a complaint on the unit by anyone.
- D. Special Inspection - An inspection caused by a third party, i.e., HUD, needing to view the unit.
- E. Emergency - An inspection that takes place in the event of a perceived emergency. These will take precedence over all other inspections.
- F. Move Out Inspection (if applicable) - An inspection required for units in service before October 2, 1995, and optional after that date. These inspections document the condition of the unit at the time of the move-out.
- G. Quality Control Inspection - Supervisory inspections based on at least the minimum number required by the Section 8 Management Assessment Program (SEMAP).

## ***12.2 OWNER AND FAMILY RESPONSIBILITY***

- A. Owner Responsibility for HQS
  - 1. The owner must maintain the unit in accordance with HQS.
  - 2. If the owner fails to maintain the dwelling unit in accordance with HQS, the PUNTA GORDA HOUSING AUTHORITY will take prompt and vigorous action to enforce the owner obligations. The PUNTA GORDA HOUSING AUTHORITY's remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.

3. The PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY and the PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY approved extension). If the required repair is not made in a timely manner, the rent shall be abated beginning with the next rent check. Rental subsidy cannot be recovered for the period when the unit was under abatement and the HCV assisted family cannot be held responsible. **If two (2) consecutive checks are abated, the assistance shall be cancelled.**
4. 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 PUNTA GORDA HOUSING AUTHORITY may terminate assistance to a family because of the HQS breach caused by the family.

B. Family Responsibility for HQS

1. The family is responsible for a breach of the HQS that is caused by any of the following:
  - a. The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the resident (**utilities must be turned back on within 24 hours or housing assistance may be terminated**);
  - b. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the participant; or
  - c. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear and housekeeping that jeopardizes the health and safety of the family and other residents).
2. If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than **24 hours**. For other family-caused defects, the family must correct the defect within no more than **30**



**calendar days** (or any PUNTA GORDA HOUSING AUTHORITY approved extension).

3. If the family has caused a breach of the HQS, the PUNTA GORDA HOUSING AUTHORITY will take prompt and vigorous action to enforce the family obligations. The PUNTA GORDA HOUSING AUTHORITY may terminate assistance for the family in accordance with 24 CFR 982.552.

### ***12.3 HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401***

This Section states performance and acceptability criteria for these key aspects of the following housing quality standards:

#### **A. Sanitary Facilities**

##### **1. Performance Requirement**

The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

##### **2. Acceptability Criteria**

- a. The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
- b. The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
- c. The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
- d. The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

#### **B. Food Preparation and Refuse Disposal**

##### **1. Performance Requirements**

- a. The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.

- b. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

2. Acceptability Criteria

- a. The dwelling unit must have an oven, a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. Either the owner or the family may supply the equipment. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the resident agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
- b. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
- c. The dwelling unit must have space for the storage, preparation, and serving of food.
- d. There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

C. Space and Security

1. Performance Requirement

The dwelling unit must provide adequate space and security for the family.

2. Acceptability Criteria

- a. At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- b. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.

- c. Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- d. The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

D. Thermal Environment

1. Performance Requirement

The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

2. Acceptability Criteria

- a. There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- b. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

E. Illumination and Electricity

1. Performance Requirement

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

2. Acceptability Criteria

- a. There must be at least one window in the living room and in each sleeping room.
- b. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- c. The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

F. Structure and Materials

1. Performance Requirement

The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

2. Acceptability Criteria

- a. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- b. The roof must be structurally sound and weather tight.
- c. The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- d. The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
- e. Elevators must be working and safe.

G. Interior Air Quality

1. Performance Requirement

The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

2. Acceptability Criteria

- a. The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
- b. There must be adequate air circulation in the dwelling unit.
- c. Bathroom areas must have one window that can be opened or other adequate exhaust ventilation.
- d. Any room used for sleeping must have at least one window. If the window is designed to be opened, the window must work.

H. Water Supply

1. Performance Requirement

The water supply must be free from contamination.

2. Acceptability Criteria

The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

I. Lead-based Paint

1. Performance Requirement

The Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and implementing regulations at part 35, subparts A, B, M, and R of this title apply to units assisted under this part.

2. Acceptability Criteria

The requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero bedroom dwellings.

During initial and annual inspections of pre-1978 units that are occupied or will be occupied by families with children under 6 years of age, the inspector must conduct a visual assessment for deteriorated paint surfaces and the owner must stabilize deteriorated surfaces. Applicable areas include painted surfaces within the dwelling unit, exterior painted surfaces associated with the dwelling unit, and common areas of the building through which residents must pass to gain access to the unit and areas frequented by resident children under six years of age, including play areas and child care facilities.

For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by the PHA), and the owner must complete hazard reduction activities if lead hazards are identified during the risk assessment.

J. Access

1. Performance Requirement

The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

K. Site and Neighborhood

1. Performance Requirement

The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

2. Acceptability Criteria

The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

L. Sanitary Condition

1. Performance Requirement

The dwelling unit and its equipment must be in sanitary condition.

2. Acceptability Criteria

The dwelling unit and its equipment must be free of vermin and rodent infestation.

M. Smoke Detectors

1. Performance Requirements

a. Except as provided in paragraph b below of this Section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

b. For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993, in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992 (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

**12.4 LEAD-BASED PAINT REQUIREMENTS AND RESPONSIBILITIES**

A. Exempt Units

The following units are exempt from this policy as it relates to lead-based paint requirements:

1. Units built after December 31, 1977;
2. Zero (0) bedroom and Single Room Occupancy (SRO) units;
3. Housing built for the elderly or persons with disabilities, unless a child of under age six (6) resides or is expected to reside in such housing;
4. Properties for which a paint inspection was completed in accordance with the new regulations that became effective on September 15, 2000, and are certified to have no lead-based paint;
5. Properties in which all lead-based paint was identified, was removed, and that received clearance in accordance with the new regulations which became effective on September 15, 2000.

B. Non-Exempt or Covered Units

For dwellings built before January 1, 1978, and occupied or to be occupied by assisted families with one or more children under age six (6), lead-based paint requirements apply to:

1. The unit interior and exterior paint surfaces associated with the assisted unit: and
2. The common areas servicing the unit, including those areas through which residents must pass to gain access to the unit, and other areas frequented by resident children less than six (6) such as play areas, and child care facilities. Common areas also include garages and fences on the assisted property.

C. Responsibilities of the PUNTA GORDA HOUSING AUTHORITY and the Owner

The PUNTA GORDA HOUSING AUTHORITY is responsible for the following activities:

1. The visual assessment for deteriorated paint (i.e., peeling, chipping, flaking) surfaces at initial and annual inspections;
2. Assuring that clearance examinations are conducted when required;
3. Carrying out special requirements for children under age six who have environmental intervention blood lead levels as verified by a medical health care provider;



4. Collecting data from the local health department on program participants under age six who have identified environmental intervention blood lead levels; and
5. Record keeping.

Owners of units to be or that are assisted have the responsibility to:

1. Disclose known lead-based paint hazards to all potential residents prior to execution of a lease;
2. Provide all prospective families with a copy of Protect Your Family From Lead in Your Home or other EPA approved document;
3. When necessary, perform paint stabilization to correct deteriorated paint;
4. Each time paint stabilization is performed, notify the resident about the conduct of lead hazard reduction activities and clearance (if required);
5. Conduct lead hazard reduction activities when required by the PUNTA GORDA HOUSING AUTHORITY;
6. Perform all work in accordance with HUD prescribed safe work practices and conduct clearance activities when required; and
7. Perform ongoing maintenance. As part of ongoing maintenance, the owner must provide written notice to each assisted family asking the occupants to report deteriorated paint. The notice must include the name, address, and phone number of the person responsible for accepting the occupant's complaint.

Before the execution of the lease the owner is required to disclose any knowledge of lead-based paint or lead-based paint hazards in housing built prior to 1978 to all prospective residents. The PUNTA GORDA HOUSING AUTHORITY will keep a copy of the disclosure notice executed by the owner and resident in the participant's file. The owner will keep the original disclosure notice and forward a copy of the notice to the PUNTA GORDA HOUSING AUTHORITY.

D. Qualified Inspector

An HQS inspector may conduct the inspection or other party designated by the PUNTA GORDA HOUSING AUTHORITY. All inspectors must have been trained in visual assessment in accordance with procedures established by HUD.

E. Visual Assessment for Deteriorated Paint

The PUNTA GORDA HOUSING AUTHORITY during the conduct of initial, annual and any special inspections of pre-1978 units that are occupied or will be occupied by families with children under 6 years of age. The PUNTA GORDA HOUSING AUTHORITY will conduct a visual inspection for deteriorated paint surfaces at these locations:

1. All unit interior and exterior painted surfaces associated with the assisted unit; and
2. Common areas such as common hallways, access and egress areas, playgrounds, child-care facilities, or other areas including fences and garages frequented by children under age six.

F. Stabilization of Deteriorated Paint Surfaces

When the HQS Inspector or other designated party identifies deteriorated paint surfaces (defined as interior or exterior paint or other coating that is peeling, chipping, flaking, cracking, is otherwise damaged or has separated from the substrate of the surface or fixture), the PUNTA GORDA HOUSING AUTHORITY will notify and require the owner to perform stabilization of the surfaces within **thirty (30) calendar days** of the notification by the PUNTA GORDA HOUSING AUTHORITY's inspection for occupied units and before commencement of any assisted tenancy.

Owner requirements for compliance with the PUNTA GORDA HOUSING AUTHORITY's paint stabilization differ, depending upon the amount of deteriorated paint surface to be corrected. The use of lead-safe work practices during paint stabilization activities are differentiated characterized as above or below de minimis levels.

De minimis deteriorated paint surfaces are exceeded when one of the following occurs:

1. 20 square feet on exterior surfaces;
2. 2 square feet on an interior surface in a single room or interior space; or
3. 10 percent of individual small components (e.g., windowsills) on the interior or exterior.

Owners must perform paint stabilization on all deteriorated paint surfaces. Paint stabilization is defined as:

1. Repair of any physical defect in the substrate of the painted surface or building component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, missing siding, or other components not securely fastened;
2. Removal of all loose paint and other loose material from the surface being treated; and
3. Application of a new protective coat of paint to the stabilized surface.

In no instance may an owner employ any paint stabilization methods that are strictly prohibited by federal, state, or local law such as:

1. Open flame burning and torching;
2. Machine-sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
3. Heat guns operating above 1,100 degrees Fahrenheit;
4. Abrasive blasting or sandblasting with HEPA exhaust control;
5. Dry sanding and scraping except limited conditions stated above for limited areas; and
6. Paint stripping in poorly ventilated space using a volatile stripper or a hazardous chemical as defined by Occupational Safety and Health Administration (OSHA).

Failure to comply with paint stabilization requirements, regardless of the amount of deteriorated surface, will result in the disapproval of the tenancy, abatement of payment to the owner, and/or termination of the HAP contract.

In addition, in order to be in compliance with HUD lead-based paint requirements if the deteriorated paint surface exceeds the de minimis level, the owner must:

1. Conduct all stabilization activities with trained staff;
2. Employ acceptable methods for preparing the surface to be treated, including wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to manufacturer's instruction;
3. Not dry sand or dry scrape within one (1) square foot of electrical outlets;

4. Protect the occupants and their belongings from contamination;
5. Notify the occupants within fifteen (15) calendar days of stabilization activity and provide the results of the clearance examination.

Clearance Activities:

The PUNTA GORDA HOUSING AUTHORITY will be responsible for clearance activities. All clearance activities will be performed by persons who have EPA or state-approved training and are licensed or certified to perform clearance examinations.

The PUNTA GORDA HOUSING AUTHORITY will pay for the costs of the first clearance examination. If further clearance examinations are required, the owner is responsible to cover the costs of subsequent tests.

The owner must provide the PUNTA GORDA HOUSING AUTHORITY with an executed copy of the Lead-Based Paint Owner's Certification for the HQS violation for paint stabilization to be considered closed.

Below de minimis deteriorated paint surfaces:

If the amount of deteriorated paint is below the de minimis level, owners will not be required to perform lead-safe work practices and clearance, but owners must perform paint stabilization as follows:

1. Repair of any physical defect in the substrate of the painted surface or building component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, missing siding, or other components not securely fastened;
2. Removal of all loose paint and other loose material from the surface being treated; and
3. Application of a new protective coat of paint to the stabilized surface.

In no instance may an owner employ any paint stabilization methods that are strictly prohibited by federal, state, or local law such as:

1. Open flame burning and torching;
2. Machine-sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;

3. Heat guns operating above 1,100 degrees Fahrenheit;
4. Abrasive blasting or sandblasting with HEPA exhaust control;
5. Dry sanding and scraping except limited conditions stated above for limited areas; and
6. Paint stripping in poorly ventilated space using a volatile stripper or a hazardous chemical as defined by Occupational Safety and Health Administration (OSHA).

Failure to comply with paint stabilization requirements, regardless of the amount of deteriorated surface, results in disapproval of the tenancy, abatement of payment to the owner, and/or termination of the HAP contract.

Clearance Activities:

The owner must provide the PUNTA GORDA HOUSING AUTHORITY with an executed copy of the Lead-Based Paint Owner's Certification for the HQS violation for paint stabilization to be considered closed.

G. Requirements for Children with Environmental Intervention Blood Lead Level

Should the PUNTA GORDA HOUSING AUTHORITY receive information regarding an environmental intervention blood lead level child under age six from the family, owner, or other sources not associated with the medical health community, the PUNTA GORDA HOUSING AUTHORITY will immediately verify the information with a public health department or other medical health care provider.

If either the public health department or private medical health agency provides verification that the child has an environmental intervention blood lead level, the PUNTA GORDA HOUSING AUTHORITY will proceed to complete a risk assessment of the unit, common areas and exterior surfaces as outlined in Subsection H below. This requirement does not apply if the public health department has already conducted an evaluation between the date the child's blood was last sampled and the receipt of notification of the child's condition.

If the PUNTA GORDA HOUSING AUTHORITY receives a report of an environmental intervention blood lead level child from any source other than the public health department, the PUNTA GORDA HOUSING AUTHORITY will notify the public health department with five (5) working days.

HUD has defined environmental intervention blood lead level as a confirmed concentration of lead in whole blood equal or greater than 20 ug/dL (micrograms of lead

per deciliter) for a single test or 15-19 ug/dL in two tests taken at least three (3) months apart in children under age six.

#### H. Risk Assessment

Within **fifteen (15) calendar days** of the notification to the PUNTA GORDA HOUSING AUTHORITY by a public health department or medical health care provider, the PUNTA GORDA HOUSING AUTHORITY will complete a risk assessment of the dwelling unit, including common areas servicing the dwelling unit, if the child lived in the unit at the time the child's blood was sampled. If the public health department has already conducted an evaluation between the date the child's blood was last sample and the receipt of notification of the child's condition, the risk assessment by the PUNTA GORDA HOUSING AUTHORITY is not required.

The PUNTA GORDA HOUSING AUTHORITY will only utilize persons trained and certified by an EPA or state-approved agency to perform risk assessments. The risk assessment will identify the appropriate method of correction if correction is required.

The risk assessment will involve an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards. The investigation will include dust and soil sampling, visual evaluation, and may include paint inspections (tests for lead in paint). The assessor will issue a report to the housing authority explaining the results of the investigation, as well as option and requirements for reducing lead-based paint hazards. Upon receipt of the risk assessment, the PUNTA GORDA HOUSING AUTHORITY shall immediately notify the owner of its results.

The owner must notify the building residents of the results of the risk assessment within **fifteen (15) calendar days** of receipt of the risk assessment results from the PUNTA GORDA HOUSING AUTHORITY.

#### I. Hazard Reduction

The owner must complete reduction of identified lead-based paint hazards as identified in the risk assessment as outlined in Subsection H of this Section within **thirty (30) calendar days** (or date specified by the PUNTA GORDA HOUSING AUTHORITY if an extension is granted for exterior surfaces).

Hazard reduction activities may include paint stabilization, abatement, interim controls, or dust and soil contamination control. The appropriate method of correction will be identified in the risk assessment.

Hazard reduction will be considered complete by the PUNTA GORDA HOUSING AUTHORITY when a clearance examination has been completed and the report indicates

that all identified hazards have been treated and clearance has been achieved, or when the public health department certifies that the hazard reduction is complete.

The owner must notify all building residents of any hazard reduction activities within **fifteen (15) calendar days** of completion of activities.

Like paint stabilization compliance, when the PUNTA GORDA HOUSING AUTHORITY receives the owner's certification, this will signal compliance with lead hazard reduction activities.

Failure by the owner to complete hazard reduction activities (including clearance) within **thirty (30) calendar days** (or later if the PUNTA GORDA HOUSING AUTHORITY grants an extension for exterior surfaces) of notification constitutes a violation of HQS, and appropriate action against the owner will be taken if a program family occupies the unit. If the unit is vacant when the PUNTA GORDA HOUSING AUTHORITY notifies the owner, the unit may not be reoccupied by another assisted family, regardless of the ages of children in the family, until compliance with the lead-based paint requirement is completed.

J. PUNTA GORDA HOUSING AUTHORITY Data Collection and Record Keeping

Quarterly, the PUNTA GORDA HOUSING AUTHORITY will attempt to obtain from the public health department having jurisdiction in the same area as the PUNTA GORDA HOUSING AUTHORITY, the names and addresses of children under age six with an identified environmental intervention blood lead level.

The PUNTA GORDA HOUSING AUTHORITY will match information received from the health department with information about program families. If a match occurs, the PUNTA GORDA HOUSING AUTHORITY will follow all procedures for notifying owners and conducting risk assessments as stated above.

Quarterly, the PUNTA GORDA HOUSING AUTHORITY will report a list of addresses of units occupied by children under age six, receiving assistance to the public health department, unless the health department indicates in writing that such a report is not necessary.

The PUNTA GORDA HOUSING AUTHORITY will inform owners of lead-based paint regulations especially those related to prohibited and safe work practices, resident protection during lead-based paint activities, and notification requirements. This will be accomplished through written material provided by the PUNTA GORDA HOUSING AUTHORITY.

The PUNTA GORDA HOUSING AUTHORITY is responsible for issuing and maintaining in the file the notification to the owner of any needed corrections and appropriate methods to correct lead hazards, and of the deadline for completing the corrections.

#### ***12.5 EXCEPTIONS TO THE HQS ACCEPTABILITY CRITERIA***

The PUNTA GORDA HOUSING AUTHORITY will utilize the acceptability criteria as outlined above with applicable State and local codes. Additionally, the PUNTA GORDA HOUSING AUTHORITY has received HUD approval to require the following additional criteria:

- A. In each room, there will be at least one exterior window that can be opened and that contains a screen.
- B. Adequate heat shall be considered to be 68 degrees.
- C. In units where the resident must pay for utilities, each unit must have separate metering device(s) for measuring utility consumption.
- D. A ¾" overflow pipe must be present on the hot water heater safety valves and installed down to within 6 inches of the floor.

#### ***12.6 TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS***

- A. Correcting Initial HQS Fail Items

The PUNTA GORDA HOUSING AUTHORITY will schedule a timely inspection of the unit on the date the owner indicates that the unit will be ready for inspection, or as soon as possible thereafter (**within 5 working days**) upon receipt of a Request for Tenancy Approval. The owner and participant will be notified of the results of the inspection. If the unit fails HQS, the owner and the participant will be advised to notify the PUNTA GORDA HOUSING AUTHORITY to reschedule a re-inspection when the repairs have been properly completed.

On an initial inspection, the owner will be given up to **30 calendar days** to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed in the program until the unit meets the HQS requirements.

- B. HQS Fail Items for Units under Contract



The owner or participant will be given time to correct the failed items cited on the inspection report for a unit already under contract. If the failed items endanger the family's health or safety (using the emergency item in Section 12.7), the owner or participant will be given **24 hours** to correct the violations. For less serious failures, the owner or participant will be given up to **30 calendar days** to correct the failed item(s).

If the owner fails to correct the HQS failed items after proper notification has been given, the PUNTA GORDA HOUSING AUTHORITY will abate payment and terminate the contract in accordance with Sections 12.8 and 17.0.

If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, the PUNTA GORDA HOUSING AUTHORITY will terminate assistance for the family in accordance with Sections 12.2(B) and 17.0.

C. Time Frames for Corrections

1. Emergency repair items must be abated within **24 hours**.
2. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner must be abated within **72 hours**.
3. Non-emergency items must be completed within **10 calendar days** of the initial inspection.
4. For major repairs, the owner will have up to **30 calendar days** to complete.

D. Extensions

At the sole discretion of the PUNTA GORDA HOUSING AUTHORITY, extensions of up to **30 calendar days** may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. If repairs are not completed within **60 calendar days** after the initial inspection date, the PUNTA GORDA HOUSING AUTHORITY will abate the rent and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, and sidewalks.

**12.7 EMERGENCY FAIL ITEMS**

The following items are to be considered examples of emergency items that need to be abated within **24 hours**:

- A. No hot or cold water
- B. No electricity
- C. Inability to maintain adequate heat
- D. Major plumbing leak
- E. Natural gas, propane, or LP gas leak
- F. Broken lock(s) on first floor doors or windows
- G. Broken windows that unduly allow weather elements into the unit
- H. Electrical outlet smoking or sparking
- I. Exposed electrical wires which could result in shock or fire
- J. Unusable toilet when only one toilet is present in the unit
- K. Security risks such as broken doors or windows that would allow intrusion
- L. Other conditions which pose an immediate threat to health or safety

## **12.8 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 timeframe, the rent for the dwelling unit will be abated as of the first day of the next month. Rental subsidy cannot be recovered for the period when the unit was under abatement and the HCV assisted family cannot be held responsible.

When the deficiencies are corrected, the PUNTA GORDA HOUSING AUTHORITY will end the abatement the day the unit passes inspection. Rent will resume the day the unit passes inspection and be paid the first day of the next month. If the corrections of deficiencies are not made the abatement will continue until the HAP contract is terminated.

If two (2) consecutive checks are abated, the assistance shall be cancelled.

For participant caused HQS deficiencies, the owner will not be held accountable and the rent will not be abated. The participant is held to the same standard and timeframes for correction of deficiencies as owners. If repairs are not completed by the deadline, the PUNTA GORDA HOUSING AUTHORITY will send a notice of termination to both the participant and the owner. The participant will be given the opportunity to request an informal hearing.

HAP contracts will be terminated after giving the owner **thirty (30) calendar days** notice from the first day of a month. It will be sent with the Notice of Abatement. Termination will end any abatement action.

## **13.0 Reserved**

## **14.0 RECERTIFICATION**

### ***14.0.1 CHANGES IN LEASE OR RENT***

If the participant and owner agree to any changes in the lease, all changes must be in writing, and the owner must immediately give the PUNTA GORDA HOUSING AUTHORITY a copy of the changes. The lease, including any changes, must be in accordance with this Administrative Plan.

Owners must notify the PUNTA GORDA HOUSING AUTHORITY of any changes in the amount of the rent at least **sixty (60) calendar days** before the changes go into effect. Any such changes are subject to the PUNTA GORDA HOUSING AUTHORITY determining them to be reasonable.

Assistance shall not be continued unless the PUNTA GORDA HOUSING AUTHORITY has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner if any of the following changes are made:

- A. Requirements governing participant or owner responsibilities for utilities or appliances;
- B. In the lease terms reducing the length of the lease;
- C. If the participant moves to a new unit, even if the unit is in the same building or complex.

The approval of the PUNTA GORDA HOUSING AUTHORITY is not required for changes other than those specified in A, B, or C above.

However, owners wishing to change ownership must receive the written permission of the Housing Authority prior to assigning a HAP contract. The owner shall inform the PUNTA GORDA HOUSING AUTHORITY of the impending change and give the Authority **ten (10) calendar days** to review the prospective owner to make sure they are appropriate. The new owner shall meet the same criteria as the existing owner. Approval shall not be unreasonably withheld.

#### **14.1 ANNUAL REEXAMINATION**

At least annually (**within 365 calendar days of the anniversary date of the HAP contract**), unless required less frequently by revisions to HUD requirements, the PUNTA GORDA HOUSING AUTHORITY will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size.

The PUNTA GORDA HOUSING AUTHORITY will send a notification letter to the family letting them know that it is time for their annual reexamination and scheduling an appointment. The letter includes forms for the family to complete in preparation for the interview. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

The Punta Gorda Housing Authority schedules and conducts annual exams no earlier than 120 days prior to the household's recertification month. For households receiving cost of living adjustments (COLA) through the U.S. Social Security Department, the COLA standard effective on the date of their annual recertification exam meeting will be used to calculate income.

During the interview, the family will provide all information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the PUNTA GORDA HOUSING AUTHORITY will determine the family's annual income and will calculate their family share.

##### **14.1.1 Effective Date of Rent Changes for Annual Reexaminations**

The new family share will generally be effective upon the anniversary date **with 30**

**calendar days** notice of any rent **increase** to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

**If the family caused the delay, the family waives its right to a 30 day rent increase notice, and any increase will be effective on the anniversary date.** Any reduction will be effective the first of the month after the rent amount is determined.

#### **14.1.2 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 and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the PUNTA GORDA HOUSING AUTHORITY taking action to terminate the family's assistance. If there is no response to the second letter, a termination notice will be issued to both the family and the owner. The termination notice will inform the family of its right to request an informal hearing.

#### **14.2 INTERIM REEXAMINATIONS**

During an interim reexamination only the information affected by the changes being reported will be reviewed and verified.

Families are required to report **all** increases in income or decreases in allowable expenses between annual reexamination within **ten (10) calendar days** of their occurrence.

Rent adjustments are not required if the increase in gross household income is less than **\$40.00** per month. Rent adjustments will be processed for increases in gross family income of \$40.00 or more per month. Participants are still required to report all changes in household composition, income, assets, allowances and deductions in writing to the PUNTA GORDA HOUSING AUTHORITY **within 10 calendar days** of their occurrence. Unreported changes will result in an immediate rent adjustment and the participant will be responsible for any overpaid rental assistance that was paid on their behalf.

Families are required to report the following changes to the PUNTA GORDA HOUSING AUTHORITY within **ten (10) calendar days** between regular reexaminations. These changes will trigger an interim reexamination.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.
- C. Family break-up

In circumstances of a family break-up, the PUNTA GORDA HOUSING AUTHORITY will make a determination of which family member will retain the housing choice voucher, taking into consideration the following factors:

1. To whom the housing choice voucher was issued.
2. The interest of minor children or of ill, elderly, or disabled family members.
3. Whether the assistance should remain with the family members remaining in the unit.
4. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the PUNTA GORDA HOUSING AUTHORITY will be bound by the court's determination of which family members continue to receive assistance in the program.

Because of the number of possible different circumstances in which a determination will have to be made, the PUNTA GORDA HOUSING AUTHORITY will make determinations on a case by case basis.

The PUNTA GORDA HOUSING AUTHORITY will issue a determination within **ten (10) calendar days** of the request for a determination. The family member requesting the determination may request an informal hearing in compliance with the informal hearings in Section 16.2.

In order to add a household member other than through birth, adoption, or court-awarded custody (including a live-in aide) the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number and must verify

their citizenship/eligible immigrant status (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family). The new family member will go through the screening process similar to the process for applicants. The PUNTA GORDA HOUSING AUTHORITY will determine the eligibility of the individual before allowing them to be added to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, the PUNTA GORDA HOUSING AUTHORITY will grant approval to add their name to the lease. At the same time, the family's annual income will be recalculated taking into account the income and circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 14.2.2.

**Under no circumstances will a live-in aide be added to the lease (as a family member) or be considered the last remaining member of a participant family.**

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income which will be for **at least four (4) consecutive weeks**, an increase in allowable expenses. Upon such request, the PUNTA GORDA HOUSING AUTHORITY will take timely action to process the interim reexamination and recalculate the family share. Completed change forms and required verification must be received by the Housing Authority **seven (7) calendar days** prior to the end of the month.

#### **14.2.1 Special Reexaminations**

If a family's income is too unstable to project for 12 months, including families that temporarily have no income or have a temporary decrease in income, the PUNTA GORDA HOUSING AUTHORITY may schedule special reexaminations every **120 calendar days** until the income stabilizes and an annual income can be determined.

#### **14.2.2 Effective Date of Rent Changes Due to Interim or Special Reexaminations**

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective at least **30 days** from the date the change occurred. If the family causes a delay, the family waives its right to a 30 day rent increase notice, and any rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

### **14.3 HOUSING AUTHORITY MISTAKES IN CALCULATING RENT**

If the PUNTA GORDA HOUSING AUTHORITY makes a mistake in calculating a resident's rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of **12 months**. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

### **14.4 REPAYMENT AGREEMENTS**

When a tenant owes the Punta Gorda Housing Authority for over paid rental assistance and is unable to pay the balance in full, the tenant may request that the Punta Gorda Housing Authority allow them to enter into a Repayment Agreement. The Punta Gorda Housing Authority has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period **not to exceed 12 months**. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms is sufficient reason for the termination of assistance under the Housing Choice Voucher program. In addition, no new voucher will be issued unless the Repayment Agreement has been paid in full.

## **15.0 TERMINATION OF ASSISTANCE TO THE FAMILY BY THE PUNTA GORDA HOUSING AUTHORITY**

The PUNTA GORDA HOUSING AUTHORITY may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

- A. If any family member violates any family obligations under the program, in violation of 2.3 of this Administration Plan.
- B. If the family was evicted from housing assisted under the Section 8 program for serious violations of the lease, including, but not limited to, repeated serious violations of the lease that may threaten the health, safety, or right to peaceful enjoyment of the premises or neighborhood by other residents;



- C. If a family member fails to sign and submit consent forms or fails to respond to any written request for information;
- 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 PUNTA GORDA HOUSING AUTHORITY determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination;
- E. Has a household member who is currently engaging in illegal use of a drug, regardless of whether household member has been arrested or convicted of such activity;
- F. Has a household member whose pattern of illegal drug use interferes with the health, safety, or right to peaceful enjoyment of the premises or neighborhood by other residents;
- G. Has a household member who has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing;
- H. Has a household member who is subject to a lifetime registration requirement under a State sex offender registration program;
- I. If any member of the family commits drug-related or violent criminal activity in violation of Section 2.3 of this Administrative Plan and 24 CFR §982.551, §982.552 or §982.553, regardless of whether household member has been arrested or convicted of such activity;
- J. Has a household member whose illegal use (or pattern of illegal use) of a controlled substance or whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises or neighborhood by other residents;
- K. Has a family member who is engaged in felonious (felony) criminal activity, including but not limited to, such activities as arson, murder, attempted murder, homicide, criminally negligent homicide, kidnapping, manslaughter, rape, sexual assault, sexual abuse or felony crimes against children, or who is currently engaged in or has a pattern of misdemeanor criminal activity even if he/she has not been convicted or prosecuted for said conduct.

- L. Has a household member who is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- M. Has a family member who violates any family obligations under the program;
- N. Has a family member who has been evicted from federally assisted housing in the last five years;
- O. Has a family member that PUNTA GORDA HOUSING AUTHORITY has ever terminated assistance for under the program;
- P. Has a family member that has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- Q. Currently owes rent or other amounts to the PUNTA GORDA HOUSING AUTHORITY or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act;
- R. 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;
- S. Has breached an agreement with PUNTA GORDA HOUSING AUTHORITY to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority;
- T. Has engaged in or threatened **verbal or physically** abusive or violent behavior towards any PUNTA GORDA HOUSING AUTHORITY staff member or resident;
- U. If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.
- V. If any family member permits a person not on the lease and Section 8 housing assistance to reside in the unit more than **14 calendar days** each year without the prior written approval of the Punta Gorda Housing Authority.
- W. Does not have the continued ability (with assistance) to maintain their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants or people residing in the immediate vicinity.

- X. If family receives other housing subsidy, while on the Section 8 voucher program, for the same unit.

For purposes of this section, the PUNTA GORDA HOUSING AUTHORITY may terminate assistance for criminal activity by a household member as authorized in this section if the PUNTA GORDA HOUSING AUTHORITY determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted of such activity.

If the PUNTA GORDA HOUSING AUTHORITY proposes to terminate assistance for criminal activity as shown by a criminal record, the PUNTA GORDA HOUSING AUTHORITY will notify the household of the proposed action to be based on the information and must provide the person with the criminal record (i.e., the family member) and the head of household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record, in accordance with the procedures established for the Informal Hearing for Participants. The household will have **ten (10) calendar** days to dispute the accuracy and relevance of the record in writing.

Any family absent from the assisted unit for more than **30 consecutive calendar** days without written authorization from the Housing Authority **must be terminated** from the program.

In circumstances of a family break-up, the PUNTA GORDA HOUSING AUTHORITY will make a determination of which family member will retain the housing choice voucher, taking into consideration the following factors:

- A. To whom the housing choice voucher was issued.
- B. The interest of minor children or of ill, elderly, or disabled family members.
- C. Whether the assistance should remain with the family members remaining in the unit.
- D. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the PUNTA GORDA HOUSING AUTHORITY will be bound by the court's determination of which family members continue to receive assistance in the program.

## **16.0 COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, INFORMAL HEARINGS FOR PARTICIPANTS**

### **16.1 COMPLAINTS**

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

### **16.2 INFORMAL REVIEW FOR THE APPLICANT**

#### **A. Informal Review for the Applicant**

The PUNTA GORDA HOUSING AUTHORITY will give an applicant for participation in the Section 8 Existing Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the PUNTA GORDA HOUSING AUTHORITY decision. The notice will state that the applicant may request an informal review within ten **(10) calendar days** of the denial and will describe how to obtain the informal review.

#### **B. When an Informal Review is not Required**

The PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY subsidy standards.
2. A PUNTA GORDA HOUSING AUTHORITY determination not to approve an extension or suspension of a housing choice voucher term.
3. A PUNTA GORDA HOUSING AUTHORITY determination not to grant approval to lease a unit under the program or to approve a proposed lease.
4. A PUNTA GORDA HOUSING AUTHORITY determination that a unit selected by the applicant is not in compliance with HQS.
5. A PUNTA GORDA HOUSING AUTHORITY determination that the unit is not in accordance with HQS because of family size or composition.

6. General policy issues or class grievances.
7. Discretionary administrative determinations by the PUNTA GORDA HOUSING AUTHORITY.

C. Informal Review Process

The PUNTA GORDA HOUSING AUTHORITY will give an applicant an opportunity for an informal review of the PUNTA GORDA HOUSING AUTHORITY decision denying assistance to the applicant. The procedure is as follows:

1. The review will be conducted by any person or persons designated by the PUNTA GORDA HOUSING AUTHORITY other than the person who made or approved the decision under review or a subordinate of this person.
2. The applicant will be given an opportunity to present written or oral objections to the PUNTA GORDA HOUSING AUTHORITY decision.
3. The PUNTA GORDA HOUSING AUTHORITY will notify the applicant of the PUNTA GORDA HOUSING AUTHORITY decision after the informal review within **14 calendar days**. The notification will include a brief statement of the reasons for the final decision.

D. Considering Circumstances

In deciding whether to deny assistance to an applicant 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 of assistance on other family members who were not involved in the action or failure.

The Housing Authority may impose, as a condition of 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 receive assistance.

If the Housing Authority seeks to deny assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of

alcohol, such use or possession or pattern of abuse must have occurred within **three (3) years** before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny assistance. In determining whether to deny assistance for these reasons the PUNTA GORDA HOUSING AUTHORITY will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

E. Informal Review Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The applicant family may request that the PUNTA GORDA HOUSING AUTHORITY provide for an informal review after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. The applicant family must make this request within **30 calendar days** of receipt of the *Notice of Denial or Termination of Assistance*, or within **30 calendar days** of receipt of the INS appeal decision.

For applicant families, the Informal Review Process above will be utilized with the exception that the applicant family will have up to **30 calendar days** of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision to request the review.

### **16.3 INFORMAL HEARINGS FOR PARTICIPANTS**

A. When a Hearing is Required

1. The PUNTA GORDA HOUSING AUTHORITY will give a participant family an opportunity for an informal hearing to consider whether the following PUNTA GORDA HOUSING AUTHORITY decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY utility allowance schedule.
  - c. A determination of the family unit size under the PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY policy and HUD rules.
  - f. Denial of a hardship exemption to the minimum rent requirement.
2. In cases described in paragraphs 16.3(A)(1)(d), (e), and (f) of this Section, the PUNTA GORDA HOUSING AUTHORITY will give the opportunity for an informal hearing before the PUNTA GORDA HOUSING AUTHORITY terminates housing assistance payments for the family under an outstanding HAP contract.

**B. When a Hearing is not Required**

The PUNTA GORDA HOUSING AUTHORITY will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

1. Discretionary administrative determinations by the PUNTA GORDA HOUSING AUTHORITY.
2. General policy issues or class grievances.
3. Establishment of the PUNTA GORDA HOUSING AUTHORITY schedule of utility allowances for families in the program.
4. A PUNTA GORDA HOUSING AUTHORITY determination not to approve an extension or suspension of a housing choice voucher term.

5. A PUNTA GORDA HOUSING AUTHORITY determination not to approve a unit or lease.
6. A PUNTA GORDA HOUSING AUTHORITY determination that an assisted unit is not in compliance with HQS. (However, the PUNTA GORDA HOUSING AUTHORITY will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
7. A PUNTA GORDA HOUSING AUTHORITY determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the PUNTA GORDA HOUSING AUTHORITY to exercise or not exercise any right or remedy against the owner under a HAP contract.

C. Notice to the Family

1. In the cases described in paragraphs 16.3(A)(1)(a), (b), and (c) of this Section, the PUNTA GORDA HOUSING AUTHORITY will notify the family that the family may ask for an explanation of the basis of the PUNTA GORDA HOUSING AUTHORITY's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
2. In the cases described in paragraphs 16.3(A)(1)(d), (e), and (f) of this Section, the PUNTA GORDA HOUSING AUTHORITY will give the family prompt written notice that the family may request a hearing within **10 calendar days** of the notification. The notice will:
  - a. Contain a brief statement of the reasons for the decision; and
  - b. State if the family does not agree with the decision, the family may request an informal hearing on the decision within **10 calendar days** of the notification.

D. Hearing Procedures

The PUNTA GORDA HOUSING AUTHORITY and participants will adhere to the following procedures:

1. Discovery



- a. The family will be given the opportunity to examine before the hearing any PUNTA GORDA HOUSING AUTHORITY documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense. If the PUNTA GORDA HOUSING AUTHORITY does not make the document(s) available for examination on request of the family, the PUNTA GORDA HOUSING AUTHORITY may not rely on the document at the hearing.
- b. The PUNTA GORDA HOUSING AUTHORITY will be given the opportunity to examine, at the PUNTA GORDA HOUSING AUTHORITY's offices before the hearing, any family documents that are directly relevant to the hearing. The PUNTA GORDA HOUSING AUTHORITY will be allowed to copy any such document at the PUNTA GORDA HOUSING AUTHORITY's expense. If the family does not make the document(s) available for examination on request of the PUNTA GORDA HOUSING AUTHORITY, the family may not rely on the document(s) at the hearing.

Note: The term **document** includes records and regulations.

## 2. Representation of the Family

At its own expense, a lawyer or other representative may represent the family.

## 3. Hearing Officer

- a. The hearing will be conducted by any person or persons designated by the PUNTA GORDA HOUSING AUTHORITY, other than a person who made or approved the decision under review or a subordinate of this person.
- b. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the PUNTA GORDA HOUSING AUTHORITY hearing procedures.

## 4. Evidence

The PUNTA GORDA HOUSING AUTHORITY and the family must have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. Issuance of Decision

The person who conducts the hearing must issue a written decision within **14 calendar days** from the date of the hearing, stating briefly 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.

6. Effect of the Decision

The PUNTA GORDA HOUSING AUTHORITY is **not bound** by a hearing decision:

- a. Concerning a matter for which the PUNTA GORDA HOUSING AUTHORITY is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under the PUNTA GORDA HOUSING AUTHORITY hearing procedures.
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- c. If the PUNTA GORDA HOUSING AUTHORITY determines that it is not bound by a hearing decision, the PUNTA GORDA HOUSING AUTHORITY will notify the family within **14 calendar days** of the determination, and of the reasons for the determination.

E. 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.

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within **three (3) years** before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the PUNTA GORDA HOUSING AUTHORITY will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

F. Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that the PUNTA GORDA HOUSING AUTHORITY provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within **30 calendar days** of receipt of the *Notice of Denial or Termination of Assistance*, or within **30 calendar days** of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to **30 calendar days** of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision.

## 17.0 TERMINATION OF THE LEASE AND CONTRACT

The term of the lease and the term of the HAP contract are the same. They begin on the same date and they end on the same date. The lease may be terminated by the owner, by the participant, 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 PUNTA GORDA 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 PUNTA GORDA HOUSING AUTHORITY after the initial lease term. The length of the notice that is required is stated in the lease (generally 30 calendar days).

#### 2. By the owner

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person in accordance with this section if the owner determines that the covered person has engaged in a criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

If the law and regulation permit the owner to take an action but do not require action to be taken, the owner may take or not take the action in accordance with the owner's standards for eviction. The owner may consider all of the circumstances relevant to a particular eviction case, such as:

- a. The seriousness of the offending action;
- b. The effect on the community of denial or termination or the failure of the owner to take such action;
- c. The extent of participation by the leaseholder in the offending action;
- d. The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;

- e. The demand for assisted housing by families who will adhere to lease responsibilities;
- f. The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- g. The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the owner may require the participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of assistance actions must be consistent with the fair housing and equal opportunity provision of 24 CFR 5.105.

- 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 imposes obligations on the participant 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 (including property management

staff) residing on the premises or in the immediate vicinity of the premises;

- iv. Any drug-related or violent criminal activity engaged in on or near the premises by any resident, household member, or guest, or such activity engaged in on the premises by any other person under the tenant's control, is grounds for the owner to terminate tenancy;
- v. When the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- vi. If a participant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under Federal or State law.
- vii. If the tenant is violating a condition of probation or parole imposed under Federal or State law.
- viii. 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.

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person in accordance with this section if the owner determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

- b. During the first year the owner may not terminate tenancy for other good cause unless the reason is because of something the household did or failed to do.
- c. The owner may only evict the participant by instituting court action after or simultaneously providing written notice to the participant specifying the grounds for termination. The owner **must** give the PUNTA GORDA HOUSING AUTHORITY a copy of any owner eviction notice to the participant at the same time that the owner gives the notice to the participant.
- d. 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 that the lease term will not be renewed.

3. By mutual agreement

The family and the owner may at any time mutually agree to terminate the lease. The PUNTA GORDA HOUSING AUTHORITY requires that the mutual rescission of the lease be in writing. Forms may be picked up at the PUNTA GORDA HOUSING AUTHORITY'S administrative office.

B. Termination of the Contract

1. Automatic termination of the contract

- a. If the PUNTA GORDA HOUSING AUTHORITY terminates assistance to the family, the contract terminates automatically.
- b. If the family moves out of the unit, the contract terminates automatically.
- c. **180 calendar days** after the last housing assistance payment to the owner.

2. Termination of the contract by the owner

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

3. Termination of the HAP contract by the PUNTA GORDA HOUSING AUTHORITY

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. The family breaks up and the PUNTA GORDA HOUSING AUTHORITY determines that the family members who move from the unit will continue to receive the assistance.
- d. The PUNTA GORDA 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 violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act.
  - iii. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
  - iv. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement.



- v. If the owner has engaged in drug-related criminal activity or any violent criminal activity.
  - f. A welfare-to-work family fails to fulfill its obligations under the welfare-to-work voucher program.
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. If the owner has begun eviction proceedings and the family continues to occupy the unit, the Housing Authority will continue to make payments until the owner obtains a judgment or the family moves out.

### **17.1 VAWA PROTECTIONS**

Under the Violence Against Women Act (VAWA), Housing Choice Voucher participants have the following specific protections, which will be observed by the PUNTA GORDA HOUSING AUTHORITY:

- A. An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not in itself be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence by either the PUNTA GORDA HOUSING AUTHORITY or the owner or property manager.
- B. The Housing Authority **may terminate** the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants. Also, the owner or property manager may evict a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without evicting other victimized lawful occupants. This is also true even if the household member is not a signatory to the lease. Under VAWA, both the PUNTA GORDA HOUSING AUTHORITY and the owner or property manager are granted the authority to bifurcate the lease.
- C. The Housing Authority and owner or property manager may honor court orders regarding the rights of access or control of the property.
- D. There is no limitation on the ability of the Housing Authority to terminate assistance for other good cause unrelated to the incident or incidents of domestic

violence, dating violence or stalking, other than the victim may not be subject to a “more demanding standard” than non-victims. Likewise, an owner or property manager can evict for good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking.

- E. There is no prohibition on the owner evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing goods or services to the property if that tenant’s (victim’s) tenancy is not terminated.”
- F. Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

## ***17.2 VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING***

The PUNTA GORDA HOUSING AUTHORITY shall require and the owner or property manager may require verification in all cases where an individual claims protection under VAWA against an action involving such individual proposed to be taken by the Housing Authority.

- A. ***Requirement for Verification.*** The law allows, but does not require, the PUNTA GORDA HOUSING AUTHORITY or a Section 8 owner or property manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. The Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority. Section 8 owners or managers receiving rental assistance administered by the Housing Authority may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

1. ***HUD-approved form (HUD-50066)*** - By providing to the Housing Authority or to the requesting Section 8 owner or property manager a written certification, on the form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse

meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.

2. ***Other documentation*** - by providing to the Housing Authority or to the requesting Section 8 owner or property manager documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
3. ***Police or court record*** – by providing to the Housing Authority or to the requesting Section 8 owner or property manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

**B. *Time allowed to provide verification/ failure to provide.*** An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is

requested by the Housing Authority, or a Section 8 owner or property manager to provide verification, must provide such verification within **14 calendar days** after receipt of the written request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

### **17.3 CONFIDENTIALITY**

All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence and shall not be entered into any shared database or provided to any related entity except to the extent that the disclosure is:

- A. Requested or consented to by the individual in writing;
- B. Required for used in an eviction proceeding; or

C. Otherwise required by applicable law.

The PUNTA GORDA HOUSING AUTHORITY shall provide its tenants notice of their rights under VAWA including their right to confidentiality and the limits thereof.

## **18.0 CHARGES AGAINST THE SECTION 8 ADMINISTRATIVE FEE RESERVE**

Occasionally, it is necessary for the PUNTA GORDA HOUSING AUTHORITY to spend money from its Section 8 Administrative Fee Reserve to meet unseen or extraordinary expenditures or for its other housing related purposes consistent with federal and State law.

The PUNTA GORDA HOUSING AUTHORITY Board of Commissioners authorizes the Executive Director to expend without prior Board approval up to **\$25,000** for authorized expenditures.

Any item(s) exceeding **\$25,000** will require prior Board of Commissioner approval before any charge is made against the Section 8 Administrative Fee Reserve.

## **19.0 INTELLECTUAL PROPERTY RIGHTS**

No program receipts may be used to indemnify contractors or subcontractors of the PUNTA GORDA HOUSING AUTHORITY against costs associated with any judgment of infringement of intellectual property rights.

## **20.0 PUNTA GORDA HOUSING AUTHORITY OWNED HOUSING**

Units owned by the PUNTA GORDA HOUSING AUTHORITY and not receiving subsidy under any other program are eligible housing units for Housing Choice Voucher holders. In order to comply with Federal regulation, the PUNTA GORDA HOUSING AUTHORITY will do the following:

A. The PUNTA GORDA HOUSING AUTHORITY will make available through the briefing process both orally and in writing the availability of PUNTA GORDA HOUSING AUTHORITY owned units (notification will also include other

properties owned/managed by the private sector available to Housing Choice Voucher holders).

- B. The PUNTA GORDA HOUSING AUTHORITY will obtain the services of an independent entity to perform the following PUNTA GORDA HOUSING AUTHORITY functions:
  - 1. Determine rent reasonableness for the unit. The independent entity will communicate the rent reasonableness determination to the family and the PUNTA GORDA HOUSING AUTHORITY.
  - 2. To assist the family in negotiating the rent.
  - 3. To inspect the unit for compliance with HQS.
- C. The PUNTA GORDA HOUSING AUTHORITY will gain HUD approval for the independent agency/agencies utilized to perform the above functions.
- D. The PUNTA GORDA HOUSING AUTHORITY will compensate the independent agency/agencies from our ongoing administrative fee income.
- E. The PUNTA GORDA HOUSING AUTHORITY, or the independent agency/agencies, will not charge the family any fee or charge for the services provided by the independent agency.

## **21.0 QUALITY CONTROL OF SECTION 8 PROGRAM**

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

Among the areas that shall have quality control reviews are the following:

- A. The proper people were selected from the waiting list and their selection criteria were actually met by the applicants.
- B. The determination of rent reasonableness.

- C. Participants are paying the appropriate rent and their income and expenses were properly verified both upon admission and re-certification.
- D. HQS inspections were properly made.
- E. HQS deficiencies were properly followed up on and appropriate repairs were made in a timely manner.

If significant errors are found during a quality control review, then appropriate training shall be immediately conducted for the person or persons who made the errors and that person shall correct all of his or her errors.

## **22.0 [reserved]**

## **23.0 HOMEOWNERSHIP OPTION**

### **23.1 PURPOSE**

The PUNTA GORDA HOUSING AUTHORITY's homeownership option is designed to promote and support homeownership by a "first-time" homeowner -- a family that meets the definition in this Plan. It allows one or more members of the family to purchase a home. Section 8 payments supplement the family's own income to facilitate the transition from rental to homeownership. The initial availability of these assistance payments helps the family pay the costs of homeownership, and may provide additional assurance for a lender, so that the family can finance purchase of the home.

Section 8 homeownership assistance for a cooperative homeowner is specifically authorized for both families that are first time cooperative homeowners and families that owned its cooperative unit prior to receiving Section 8 assistance.

### **23.2 FAMILY PARTICIPATION REQUIREMENTS**

- A. In order to assure a successful transition from rental to homeownership, this program shall be open only to those who have been assisted by the Section 8 rental assistance program, lived in public housing, or resided in another PUNTA GORDA HOUSING AUTHORITY owned or managed property for at least **12 consecutive months**. During this period (the previous 12 consecutive months), all program requirements will have been complied with.

- B. Only **2%** of the PUNTA GORDA HOUSING AUTHORITY's housing choice vouchers shall be utilized at any one time.
- C. The family is qualified to participate as set forth in Section 23.3 of this policy.
- D. The unit to be purchased is eligible as set forth in Section 23.4 of this policy.
- E. The family has satisfactorily completed the required pre-assistance homeownership counseling.
- F. If located in a special flood hazard area, the purchaser has obtained flood insurance on the home and agrees to maintain this insurance.

### **23.3 FAMILY ELIGIBILITY REQUIREMENTS**

- A. The family has been admitted to the Section 8 Housing Choice Voucher program for a minimum period of **12 consecutive months** and desires to participate in the homeownership program.
- B. At the commencement of homeownership assistance the family must be one of the following:
  1. A "first-time homeowner" (defined at CFR 982.4). The assisted family may not include any person who owned a "present ownership interest" in a residence of any family member during the three (3) years before the commencement of homeownership assistance for the family. Such interest includes ownership of title or of cooperative membership shares, a single person or displaced person or displaced homemaker who, while married, owned a home with his or her spouse, or resided in home by his or her spouse;
  2. A cooperative member (defined at CFR 982.4); or
  3. A family of which a family member is a person with disabilities, and the use of the homeownership option is needed as a reasonable accommodation so that the program is readily accessible to and usable by such person.
- C. At commencement of homeownership assistance for the family, the family must demonstrate that its total annual income (gross income), as determined by the PUNTA GORDA HOUSING AUTHORITY, of all the adult family members who will own the home at commencement of homeownership assistance is not less than two times the current payment standard used by the PUNTA GORDA

HOUSING AUTHORITY. However, in the case of disabled families, the minimum income shall be equal to the monthly Federal Supplemental Security Income (SSI) for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve.

Except in the case of an elderly family or a disabled family, the PUNTA GORDA HOUSING AUTHORITY shall not count any welfare assistance received by the family in determining annual income under this section.

The disregard of welfare assistance income under the preceding paragraph only affects the determination of minimum annual income used to determine if a family initially qualifies for commencement of homeownership assistance in accordance with this section, but does not affect:

1. The determination of income-eligibility for admission to the housing choice voucher program;
2. Calculation of the amount of the family's total tenant payment (gross family contribution); or
3. Calculation of the amount of homeownership assistance payments on behalf of the family.

In the case of an elderly family or a disabled family, welfare assistance shall be counted in determining annual income.

- D. The family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance:
1. Is currently employed on a full-time basis (the term "full-time employment" means not less than an average of 30 hours per week); and
  2. Has been continuously so employed during the year before commencement of homeownership assistance for the family.

This requirement shall be considered fulfilled if:

1. The family member is self-employed and earning a net income (income after business expenses have been deducted) that equals the federal minimum hourly wage multiplied by 2000 hours; or
2. Any employment interruptions either were not the fault of the family member or were for less than 30 calendar days and caused by an effort to



improve the family's situation.

The employment requirement does not apply to an elderly family or a disabled family. Furthermore, if a family other than an elderly family or a disabled family, includes a person with disabilities, an exemption from the employment requirement shall be granted if the PUNTA GORDA HOUSING AUTHORITY determines that an exemption is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

- E. The PUNTA GORDA HOUSING AUTHORITY shall not commence homeownership assistance for a family if any family member has previously received assistance under the homeownership option while an adult, and has defaulted on a mortgage securing debt incurred to purchase the home.
- F. Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- G. Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale.

#### **23.4 ELIGIBLE UNITS**

- A. Any unit that is eligible under the Section 8 rental assistance program is eligible for this program. The types of units eligible are:
  - 1. Single family dwellings;
  - 2. Condominiums;
  - 3. Cooperatives; and
  - 4. Manufactured Housing and their pads (must have at least a permanent foundation and at least a 40-year lease if the family will not own fee title to the real property on which the home is located. {24 CFR 982.628(a)(b)}).
- B. The unit must be either existing or under construction (the footers have been poured) at the time the family enters into the contract of sale.

- C. The unit must be either a one-unit property or a single dwelling unit in a cooperative or condominium.
- D. The unit must satisfy the housing quality standards (HQS) and have been inspected by an independent inspector designated and paid for by the family.
- E. The seller cannot be someone who has been debarred, suspended, or is subject to a limited denial of participation by HUD.
- F. If the unit is owned by the PUNTA GORDA HOUSING AUTHORITY or by an entity substantially controlled by the Housing Authority, the following additional conditions must be met:
  - 1. The purchasing family must verify in writing that it is purchasing the units without any housing authority steering or pressure; and
  - 2. An independent agency, approved by HUD must perform the following functions for this type of sale:
    - a. Inspect the units for HQS compliance;
    - b. Review the independent inspection report;
    - c. Review the sales contract; and
    - d. Determine the reasonableness of the sale price and any housing authority provided financing.

### **23.5 *SEARCHING FOR A NEW HOME***

Because the financial health of the PUNTA GORDA HOUSING AUTHORITY's Section 8 program depends upon having units either under lease or being purchased, it is necessary for the PUNTA GORDA HOUSING AUTHORITY to limit the amount of time a family can take between the time a Housing Choice Voucher is issued to the family and the time a home is identified that the family wishes to purchase. Normally, families will have up to **120 calendar days** to locate an appropriate property and notify the housing authority. If extraordinary difficulties are encountered, the family can request up to **two (2) thirty (30) day** extensions that may be granted at the sole discretion of the PUNTA GORDA HOUSING AUTHORITY. If an extension is requested and granted, the family will orally report to the housing authority every two weeks to update the PUNTA GORDA HOUSING AUTHORITY on the progress of its search.

Once a suitable property has been identified and an agreement to purchase contract entered into, the PUNTA GORDA HOUSING AUTHORITY will determine a maximum time in which the closing must occur and the family to take occupancy of the property. This time frame will vary depending on market conditions.

If the family is unable to locate a suitable home to purchase, it can request that the Housing Choice Voucher be converted into a rental assistance voucher. This request must be made before the housing choice voucher expires. Approval of the request will be at the sole discretion of the PUNTA GORDA HOUSING AUTHORITY with the decision being based on the effort exerted by the family and the condition of the marketplace.

Additional time will be granted to a disabled family as a reasonable accommodation if justified by the family's actions and/or marketplace conditions.

### **23.6 HOMEOWNERSHIP COUNSELING**

Before the commencement of homeownership assistance for a family, the family must attend and satisfactorily complete a pre-assistance homeownership and housing counseling program required by the PUNTA GORDA HOUSING AUTHORITY (pre-assistance counseling). If possible, the counseling will be conducted by a HUD-approved counseling agency. If this is not available, the housing authority shall make other arrangements for the pre-assistance counseling.

Among the topics to be covered in the PHA-required pre-assistance counseling program are:

- A. Home maintenance (including care of the grounds);
- B. Budgeting and money management;
- C. Credit counseling;
- D. How to negotiate the purchase price of a home;
- E. How to obtain homeownership financing and loan preapprovals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- F. How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;
- G. Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;

- H. Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
- I. Information about the Real Estate Settlement Procedures Act (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

The PUNTA GORDA HOUSING AUTHORITY will also offer additional counseling after commencement of homeownership assistance (ongoing counseling). This counseling will be voluntary for all homeownership assistance recipients except those requesting their second, fourteenth and fifteenth years of assistance. The reason for this mandatory counseling is to make sure the families are either off to a good start or preparing for the termination of their assistance.

### **23.7 HOME INSPECTIONS**

The PUNTA GORDA HOUSING AUTHORITY will not commence homeownership assistance for a family until it has inspected the unit and has determined that the unit passes HQS.

The unit must also be inspected by an independent professional inspector selected by and paid by the family. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components. The PUNTA GORDA HOUSING AUTHORITY may not require the family to use an independent inspector selected by the housing authority. The independent inspector may not be a housing authority employee or contractor, or other person under control of the housing authority. The independent inspector shall be certified by the American Society of Home Inspectors or one whose inspections are accepted by three local lenders. It shall be the responsibility of the inspector to verify that the inspector meets this certification qualification.

The independent inspector must provide a copy of the inspection report both to the family and to the PUNTA GORDA HOUSING AUTHORITY. The housing authority will not commence homeownership assistance for the family until it has reviewed the inspection report of the independent inspector. Even if the unit otherwise complies with the HQS (and may qualify for assistance under the PUNTA GORDA HOUSING AUTHORITY's tenant-based rental voucher program), the housing authority shall have discretion to disapprove the unit for assistance under the homeownership option because of information in the inspection report.

### **23.8 CONTRACT OF SALE**

Before commencement of homeownership assistance, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give the PUNTA GORDA HOUSING AUTHORITY a copy of the contract of sale.

The contract of sale must:

- A. Specify the price and other terms of sale by the seller to the purchaser.
- B. Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser.
- C. Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser.
- D. Provide that the purchaser is not obligated to pay for any necessary repairs.
- E. Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation.

### **23.9 FINANCING THE PURCHASE OF THE HOME**

- A. A purchasing family must invest at least three percent of the purchase price of the home they are buying in the property. This can take the form of either a down payment, closing costs, or a combination of the two. Of this sum, at least one percent of the purchase price must come from the family's personal resources.
- B. The family must qualify for the mortgage loan under a lender's normal lending criteria taking into account the fact that this is by definition a low-income family.
- C. If the home is purchased using FHA mortgage insurance, it is subject to FHA mortgage insurance requirements.
- D. If the loan is financed either by the seller or a non-traditional mortgage lending institution or individual, the loan shall be subject to the review of the PUNTA GORDA HOUSING AUTHORITY. The housing authority may verify that there are no unusual or onerous requirements in the loan documents and that the mortgage is affordable to the purchasing family. Also, the lender must require that an appraisal of the property is conducted and the appraiser must determine that the property is worth at least as much as the purchaser is paying.

- E. Unless the purchaser can convince the PUNTA GORDA HOUSING AUTHORITY of unusual circumstances, no balloon payment mortgages or variable rate mortgages shall be allowed in the program.
- F. All mortgage loans must close within the period of time established by the PUNTA GORDA HOUSING AUTHORITY at the time the purchaser and seller enter into their sale contract.

### ***23.10 REQUIREMENTS FOR CONTINUING ASSISTANCE***

Homeownership assistance will only be paid while the family is residing in the home. If the family moves out of the home, the PUNTA GORDA HOUSING AUTHORITY will not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to the PHA the homeownership assistance for the month when the family moves out.

The family must comply with the following obligations:

- A. The family must attend and complete ongoing homeownership and housing counseling before the end of the first, thirteenth and fourteenth years of assistance in order for assistance to continue.
- B. The family must comply with the terms of any mortgage securing debt incurred to purchase the home (or any refinancing of such debt).
- C. As long as the family is receiving homeownership assistance, use and occupancy of the home is subject to the following requirements:
  - 1. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
  - 2. The composition of the assisted family residing in the unit must be approved by the PUNTA GORDA HOUSING AUTHORITY. The family must promptly inform the housing authority of the birth, adoption or court-awarded custody of a child. The family must request housing authority approval to add any other family member as an occupant of the unit. No other person (i.e., nobody but members of the assisted family) may reside in the unit (except for a foster child or live-in aide).
  - 3. The family must promptly notify the PUNTA GORDA HOUSING AUTHORITY if any family member no longer resides in the unit.

4. If the PUNTA GORDA HOUSING AUTHORITY has given approval, a foster child or a live-in aide may reside in the unit.
  5. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.
  6. The family must not sublease or let the unit.
  7. The family must not assign the mortgage or transfer the unit.
  8. The family must supply any information or certification requested by the housing authority to verify that the family is living in the unit, or relating to family absence from the unit, including any housing authority requested information or certification on the purposes of family absences. The family must cooperate with the housing authority for these purposes. The family must promptly notify the housing authority of their absence from the unit.
- D. The family may grant a mortgage on the home for debt incurred to finance purchase of the home or any refinancing of such debt.
- E. Upon death of a family member who holds, in whole or in part, title to the home or ownership of cooperative membership shares for the home, homeownership assistance may continue pending settlement of the decedent's estate, notwithstanding transfer of title by operation of law to the decedent's executor or legal representative, so long as the home is solely occupied by remaining family members in accordance with Paragraph C above. In the case of a divorce or family separation, the assistance shall follow what a court decrees. In the event that the court decree is silent in this issue, the provisions of the Punta Gorda Housing Authority Admission Plan policy shall apply. In the case of a family that breaks up due to domestic violence, the assistance shall remain with the abused party.
- F. The family shall supply the PUNTA GORDA HOUSING AUTHORITY with any required information requested by the housing authority. In particular this shall include information relating to the following:
1. Citizenship or related immigration matters;
  2. Family income and composition;

3. Social security numbers;
  4. Any mortgage or other debt placed on the property;
  5. Any sale or other transfer of any interest in the home; and
  6. The family's homeownership expenses.
- G. The family must notify the housing authority before the family moves out of the home.
- H. The family must notify the PUNTA GORDA HOUSING AUTHORITY if the family defaults on a mortgage securing any debt incurred to purchase the home.
- I. During the time the family receives homeownership assistance under this program, no family member may have any ownership interest in any other residential property.
- J. Before commencement of homeownership assistance, the family must execute a statement of family obligations in the form prescribed by HUD. In the statement, the family agrees to comply with all family obligations under the homeownership option.
- K. The family must secure the written permission of the PUNTA GORDA HOUSING AUTHORITY before it refinances any debt secured by the home or places any additional secured debt on the property.
- L. The family must assure the PUNTA GORDA HOUSING AUTHORITY that all real estate taxes were paid on a timely basis. If they are not paid, assistance shall be terminated.

### ***23.11 MAXIMUM TERM OF HOMEOWNERSHIP ASSISTANCE***

- A. Except in the case of a family that qualifies as an elderly or disabled family, family members shall not receive homeownership assistance for more than fifteen years if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer; or ten years, in all other cases.
- B. The maximum term described in the preceding paragraph applies to any member of the family who has an ownership interest in the unit during the time the homeownership payments are made or is the spouse of any member of the household who has an ownership interest during the time the homeownership payments are made.



- C. As noted in Paragraph A of this Section, the maximum homeownership assistance term does not apply to elderly and disabled families. In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family. If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a family must be provided at least **6 months** of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance in accordance with this program).
- D. If the family has received such assistance for different homes, or from different housing authorities, the total of such assistance terms is subject to the maximum term described in Paragraph A of this section.

**23.12 AMOUNT AND DISTRIBUTION OF HOMEOWNERSHIP ASSISTANCE**

- A. While the family is residing in the home, the PUNTA GORDA HOUSING AUTHORITY shall pay a monthly homeownership assistance payment on behalf of the family that is equal to the lower of:
  - 1. The payment standard minus the total tenant payment; or
  - 2. The family's monthly homeownership expenses minus the total tenant payment.
- B. 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 size of the home.

If the home is located in an exception payment standard area, the PUNTA GORDA HOUSING AUTHORITY will use the appropriate payment standard for the exception payment standard area.

The payment standard for a family is the greater of:

- 1. The payment standard (as determined in accordance with Paragraph A of this section) at the commencement of homeownership assistance for occupancy of the home; or

2. The payment standard (as determined in accordance with Paragraph A of this section) at the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.

The PUNTA GORDA HOUSING AUTHORITY will use the same payment standard schedule, payment standard amounts, and subsidy standards for the homeownership option as for the rental housing choice voucher program.

- C. A family's homeownership expenses shall include the following items:
1. Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;
  2. Real estate taxes and public assessments on the home;
  3. Home insurance;
  4. Maintenance expenses of **\$25.00 per month**;
  5. An allowance of **\$25.00 a month** for costs of major repairs and replacements;
  6. The PUNTA GORDA HOUSING AUTHORITY's utility allowance for the home; and
  7. Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the housing authority determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person.
- D. Homeownership expenses for a cooperative member may only include amounts to cover:
1. The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;

2. Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;
  3. Home insurance;
  4. The PHA allowance for maintenance expenses;
  5. The PHA allowance for costs of major repairs and replacements;
  6. The PHA utility allowance for the home; and
  7. Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the housing authority determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person.
- E. If the home is a cooperative or condominium unit, homeownership expenses may also include cooperative or condominium operating charges or maintenance fees assessed by the condominium or cooperative homeowner association.
- F. The PUNTA GORDA HOUSING AUTHORITY will pay homeownership assistance payments directly to the lender on behalf of the family unless the lender does not want the payment to be made directly to them. If there is any excess assistance, it will be paid to the family.
- G. Homeownership assistance for a family terminates automatically **180 calendar days** after the last housing assistance payment on behalf of the family. However, the PUNTA GORDA HOUSING AUTHORITY retains the discretion to grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

### ***23.13 HOMEOWNERSHIP PORTABILITY***

- A. A family may qualify to move outside the initial PUNTA GORDA HOUSING AUTHORITY's jurisdiction with continued homeownership assistance under the housing choice voucher program. Families determined eligible for homeownership assistance by the PUNTA GORDA HOUSING AUTHORITY may purchase a unit outside our jurisdiction, if:

1. They meet our normal requirements for portability under the rental program;
  2. The receiving housing authority is administering a housing choice voucher homeownership program and the family meets the receiving housing authority's eligibility requirements; and
  3. The receiving housing authority is accepting new homeownership families.
- B. Conversely, if the PUNTA GORDA HOUSING AUTHORITY has slots open in our homeownership program we will accept homeowners exercising portability from another program and absorb such families if possible.
- C. In general, the portability procedures described previously in this Administrative Plan apply to the homeownership option. The administrative responsibilities of the initial and receiving housing authorities are not altered except that some administrative functions (e.g., issuance of a housing choice voucher or execution of a tenancy addendum) do not apply to the homeownership option.
- D. The family must attend the briefing and counseling sessions required by the receiving housing authority. The receiving housing authority will determine whether the financing for, and the physical condition of the unit, are acceptable. The receiving housing authority must promptly notify the initial housing authority if the family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the housing authority.
- E. Continued assistance under portability procedures is the next Section of this Administrative Plan.

#### ***23.14 MOVING WITH CONTINUED TENANT-BASED ASSISTANCE***

- A. A family receiving homeownership assistance may move to a new unit with continued tenant-based assistance. The family may move either with voucher rental assistance (in accordance with rental assistance program requirements) or with voucher homeownership assistance (in accordance with homeownership option program requirements). The PUNTA GORDA HOUSING AUTHORITY will not commence continued tenant-based assistance for occupancy of the new unit so long as any family member owns any title or other interest in the prior home. No more than one move per year may occur in the program.

- B. The PUNTA GORDA HOUSING AUTHORITY must be able to determine that all initial requirements have been satisfied if a family that has received homeownership assistance wants to move to a new unit with continued homeownership assistance. However, the following requirements do not apply:
  - 1. The requirement for pre-assistance counseling is not applicable.
  - 2. The requirement that a family must be a first-time homeowner is not applicable.
- C. The PUNTA GORDA HOUSING AUTHORITY may deny permission to move with continued assistance in the following circumstances:
  - 1. The PUNTA GORDA HOUSING AUTHORITY may deny permission to move with continued rental or homeownership assistance if the housing authority determines that it does not have sufficient funding to provide continued assistance.
  - 2. At any time, the PUNTA GORDA HOUSING AUTHORITY may deny permission to move with continued rental or homeownership assistance in accordance with the next Section.

### ***23.15 DENIAL OR TERMINATION OF ASSISTANCE FOR FAMILIES***

- A. At any time, the PUNTA GORDA HOUSING AUTHORITY may deny or terminate homeownership assistance in accordance with the same rules at it utilizes for the rental program.
- B. The same restrictions on admission or continued assistance in regards to criminal activities shall apply to the homeownership program as the rental program.
- C. The PUNTA GORDA HOUSING AUTHORITY may deny or terminate assistance for violation of participant obligations as previously described for the rental program.
- D. The PHA shall terminate housing choice voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA-insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt. The PUNTA GORDA HOUSING AUTHORITY, in its discretion, may permit the family to move to a new unit with continued housing choice voucher rental assistance if the family can show that the default

was for reasons beyond its control. However, the housing authority will deny such permission, if:

1. The family defaulted on an FHA-insured mortgage; and
2. The family fails to demonstrate that:
  - a. The family has conveyed title to the home, as required by HUD, to HUD or HUD's designee; and
  - b. The family has moved from the home within the period established or approved by HUD.

## **24.0 CONDUCTING BUSINESS IN ACCORDANCE WITH CORE VALUES AND ETHICAL STANDARDS**

### **24.1 PURPOSE**

This Code of Conduct establishes standards for employee and Commissioner conduct that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity and specifically in this situation with the integrity of the employees and Commissioners of the PUNTA GORDA HOUSING AUTHORITY, this Section sets forth those acts or omissions of acts that could be deemed injurious to the general mission of the Authority.

This Code of Conduct is not intended, nor should it be construed, as an attempt to unreasonably intrude upon the individual employee or Commissioner's right to privacy and the right to participate freely in a democratic society and economy.

### **24.2 CONFLICT OF INTEREST**

In accordance with 24 CFR 982.161, neither the PUNTA GORDA HOUSING AUTHORITY nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during his or her tenure with the PUNTA GORDA HOUSING AUTHORITY or **for one year thereafter**:

- A. Any present or former member or officer of the Housing Authority (except a participant commissioner);

- B. Any employee of the Housing Authority or any contractor, subcontractor or agent of the Housing Authority who formulates policy or who influences decisions with respect to the programs;
- C. Any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to the PUNTA GORDA HOUSING AUTHORITY's programs; or
- D. Any member of the Congress of the United States.

Any member of the classes described in A, B, C, or D, must disclose their interest or prospective interest to the Housing Authority and HUD.

The Conflict of Interest prohibition under this section (24.2) may be waived by the HUD Field Office upon the request of the PUNTA GORDA HOUSING AUTHORITY for good cause.

**24.3 PROHIBITION OF SOLICITATION OR ACCEPTANCE OF GIFTS**

No Commissioner or Authority employee shall solicit any gift or consideration of any kind, nor shall any Authority employee accept or receive a gift having value in excess of **\$10.00** regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the Authority.

**24.4 HOUSING AUTHORITY ADMINISTRATIVE AND DISCIPLINARY REMEDIES FOR VIOLATION OF THE HOUSING AUTHORITY CODE OF CONDUCT**

Violations of this Code of Conduct Policy will result in disciplinary action as outlined in the PUNTA GORDA HOUSING AUTHORITY's Personnel Policy or as determined by action of the Board of Commissioners.

**25.0 SUPPORT FOR OUR ARMED FORCES**

A major and important component of our armed forces is the part-time military personnel that serve in various Reserve and National Guard units. The PUNTA GORDA HOUSING AUTHORITY is very supportive of these men and women. An unfortunate fact of service in both the Reserves and National Guard is that from time to time their personnel are activated to full-time status and asked to serve our country in a variety of ways and circumstances. Whenever the Federal Government activates Reserve and/or National Guard personnel, the PUNTA GORDA HOUSING AUTHORITY wants to support these brave warriors in the following manners:

- A. If a family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income. The presence of the temporary guardian will need to be approved by the landlord.
- B. Although typically a criminal background check is required before anyone can participate in the housing choice voucher program, this requirement will be waived for a temporary guardian. Instead, the background check will occur after the person moves into the assisted unit. If the results of the check dictate that the person is ineligible for the program, the family shall be given a reasonable time to find a replacement temporary guardian.
- C. Recognizing that activation in the Reserves or National Guard can be very disruptive to a family's income, the PUNTA GORDA HOUSING AUTHORITY will expeditiously re-evaluate a resident's portion of the rent if requested to do so.
- D. A unit cannot be held by a family that is not residing in it as their primary residence for more than **180 consecutive calendar days** because of a specific federal regulation. If all members of a military family are temporarily absent from the unit because a member of the family has been called to active duty, the family can retain control of the unit by paying the required rent and returning to the unit within **30 calendar days** of the conclusion of the active duty service. If the service extends beyond **180 calendar days**, the PUNTA GORDA HOUSING AUTHORITY will seek a waiver of the **180 calendar day** limit from HUD.

## **26.0 ANTI-FRAUD POLICY**

The PUNTA GORDA HOUSING AUTHORITY is fully committed to combating fraud in its Section 8 housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the PUNTA GORDA HOUSING AUTHORITY. It results in the inappropriate expenditure of public funds and/or a violation of Section 8 requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The PUNTA GORDA HOUSING AUTHORITY shall aggressively attempt to prevent all cases of fraud.



When a fraudulent action is discovered, the PUNTA GORDA HOUSING AUTHORITY shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement;
- C. Terminate the resident's rental assistance;
- D. Refer the case for criminal prosecution; or
- E. Take such other action as the PUNTA GORDA HOUSING AUTHORITY deems appropriate.

## **27.0 PROJECT-BASING HOUSING VOUCHERS**

### ***27.1 GENERAL***

PGHA will provide Project-Based Assistance (PBA) Housing Choice Vouchers in accordance with the provisions set forth in CFR Part 983 and any applicable guidance issued by HUD, the plan set forth herein, and any future notices issued by HUD.

### ***27.2 PROGRAM SET-ASIDE***

The maximum number of project based units that will be made available for the PBA Program will be equal to 20% of the total funding available under the Annual Contributions Contract (ACC) for tenant based assistance (Housing Choice Voucher funding) or equivalent to 20% of the baseline units established by HUD. Up to 20% of any new funding increments may also be designated for project-based assistance provided that funding is not designated for any other special purpose under the Housing Choice Voucher Program.

### ***27.3 DE-CONCENTRATION***

Prior to entering into a Housing Assistance Payment Contract for Project Based Assistance, PGHA will determine that said contract is consistent with the HUD de-concentration goals. Consistency will be determined through the existence of circumstances indicating that project-basing of Section 8 assistance, rather than tenant-basing of the same amount of assistance, is an appropriate option and is consistent with the requirements of "de-concentrating poverty and expanding housing and economic opportunities."

To assure consistency with de-concentration of poverty all new project based assistance agreements or Housing Assistance Payment contracts must be for units located in census tracts with poverty rates of less than 20% or otherwise meets de-concentration goals due to consideration of the following factors:

1. Whether the site is in a Enterprise Zone, Economic Community, or Renewal Community;
2. Whether the concentration of assisted units will be or has decreased as a result of public housing demolition;
3. Whether the census tract is undergoing significant revitalization;
4. Whether government funding has been invested in the area;
5. Whether new market rate units are being developed in the area which are likely to impact the poverty rate in the area;
6. Whether in the past five years, there has been an overall decline in the poverty rate; and
7. Whether there are meaningful opportunities of educational and economic advancement in the area.

All of these factors do not have to be met. However, sufficient information must be available to ensure that after considering all of these factors collectively, PGHA can conclude the proposal meets the goal of de-concentrating poverty.

In addition, PBV units shall not be awarded for units in an area of minority concentration unless one of the following is met:

1. Sufficient comparable opportunities exist to house minority families in the income range to be served by the project in areas outside of minority concentration; or
2. The project is necessary to meet overriding housing needs in the market area. Projects that are deemed by PGHA to be an integral part of the overall local strategy for the preservation or restoration of the immediate neighborhood or that are experiencing significant private investment to improve the economic character of the area shall be deemed to meet these criteria.

“Sufficient” does not require there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units and appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance will be determined in light of local conditions

affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the population of PGHA's jurisdiction.

Units will be considered "comparable opportunities" if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require approximately the same tenant contribution towards rent, serve the same income group, are located in the same housing market, and are in standard condition. Application of the "comparable opportunities" standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:

- (A) A significant number of assisted housing units are available outside areas of minority concentration.
- (B) There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
- (C) There are racially integrated neighborhoods in the jurisdiction.
- (D) Programs operated to assist minority families that wish to find housing outside areas of minority concentration
- (E) Minority families have benefited from local activities undertaken to expand choice for minority families outside of areas of minority concentration.
- (F) A significant proportion of minority households have been successful in finding units in non-minority areas under the tenant-based assistance programs.
- (G) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

Housing will only be selected if consistent with these goals regarding poverty and minority concentrations.

#### ***27.4 ELIGIBLE HOUSING UNITS***

PGHA may limit the types of housing to which it will attach assistance to one or more of the following types: existing housing, rehabilitated housing or new construction. Any RFP selection process will specify the housing type or types being sought under the process.

A housing unit will be considered an existing unit for purposes of the project-based voucher program, if, at the time of selection of the project, the unit requires a maximum expenditure of less than \$1,000 per assisted unit to comply with the Federal Housing Quality Standards (HQS).

A housing unit will be considered a rehabilitation unit if the unit requires a minimum of more than \$1,000 per unit to comply with HQS.

Ineligible properties include the following:

- Housing for which the construction or rehabilitation is started before execution of the PBA agreement. PGHA will make an exception to this requirement if the project was awarded funding from another Federal, State, or Local Housing program and the requirements of the program include all contractual requirements in the AHAP (ie. Davis Bacon, ADA, Civil Rights);
- Shared housing, nursing homes, and facilities providing continual psychiatric, medical, nursing services, board and care, or intermediate care;
- Properties within the grounds of penal, reformatory, medical, mental and similar public or private institutions;
- Units owned or controlled by an educational institution or its affiliate, designated for occupancy by students of the institution.
- Manufactured homes, Cooperative Housing, and Transitional Housing.
- Owner Occupied Units
- Units receiving another form of operating subsidy or which are prohibited from receiving project-based assistance as determined by another governmental agency.

Other federal requirements to determine eligibility of units include the following: Compliance with the Uniform Relocation Act, Equal Opportunity, and Environmental Requirements as per 24 CFR 983, and Uniform Federal Accessibility Standards (UFAS) as defined in 24 CFR Section 8.23.

### ***27.5 INCOME MIX***

No more than 25% of the total units in a multi-family development may receive project-based assistance unless the assisted units are made available to elderly or disabled families, the units are available for persons receiving support services, or the units are single family, defined by HUD as containing four or less dwelling units.

This provision only applies to units assisted with project-based vouchers; there is no limitation on the income of other tenants in a PBA project or on households with tenant-based voucher assistance.

## ***27.6 PROGRAM AVAILABILITY – NON COMPETITIVE AWARDS***

PGHA will consider applications for the PBA program for units which were previously awarded competitive funding from another Federal, State, or Local funding source on a case by case basis. Each proposal will be reviewed to assure it complies with the requirements of 24 CFR 983 and this Administrative Plan.

## ***27.7 NOTIFICATION OF PROGRAM AVAILABILITY – COMPETITIVE AWARDS***

PGHA will accept applications for the PBA program on a periodic basis. The availability of project-based assistance will be advertised in a newspaper of general circulation. The following items will be included in the program advertisement:

- The deadline for submission of applications (not less than 30 days from the date of the announcement of availability).
- The total estimated number of units to be selected for assistance.
- How to obtain the application and selection criteria.

## ***27.8 OWNER APPLICATION REQUIREMENTS***

Property owners responding to the notification of PBA funding must submit an application in the form prescribed by PGHA. The application must contain at a minimum the following information:

- A description of the housing including the number of units by size, bedroom count, bathroom count, sketches of the proposed new construction or rehabilitation, unit plans and estimated date of construction, if applicable. Amenities and other services should also be included in this description.
- Evidence of site control and for new construction, identification and description of the proposed site, site plan and neighborhood.
- Evidence of current zoning or evidence to indicate that rezoning is likely and will not delay the project.

- The proposed contract rent for the project including which utilities are included and for those units not included an estimated of average monthly costs for the first year of occupancy.
- A statement identifying all information related to displacement and relocation and identification of the responsible party that will carry out relocation.
- Identification of the owner and other project principals, investors and other parties that have a substantial interest in the project and information on the qualifications and experience of the principal participants.
- A management and maintenance plan for the project.
- Evidence of financing to support the project.
- Evidence of compliance with environmental requirements.
- Evidence to demonstrate compliance with poverty and minority concentration requirements.
- Other relevant information as determined by PGHA.

## ***27.9 PROGRAM SELECTION CRITERIA***

In addition to the criteria identified above under eligible units, the following threshold criteria must be met for an application to be considered for selection for the PBA program.

- The proposed project must not permanently displace any current tenants. Tenants may be temporarily relocated if necessary during rehabilitation of the unit at the expense of the owner.
- Rental levels must not exceed 110% of the Fair Market Rent or any approved exception payment standard and must be reasonable in relation to rents charged in the private market for unassisted comparable units.

Following are the review criteria with associated point values that will be used by PGHA in the evaluation process of proposals received under the PBA program. The minimum passing score is 51. Projects will be ranked by score and the highest ranked projects will undergo further review by PGHA. The selected projects must comply with all requirements set forth in this plan and all application HUD regulations.

Evaluation Criteria	Points
The proposed housing serves a target population as determined by the Board of Commissioners and specified in the solicitation.	20
The proposal substantially rehabilitates properties or develops new affordable housing through new construction.	20
The proposal submitted demonstrates a thorough, in-depth, well-planned project meeting all federal requirements and other eligibility criteria. The proposal is part of a larger community wide effort to expand affordable housing opportunities.	20
The applicant's qualifications are appropriate for the project under consideration and firm financial commitments are adequately documented.	20
Rental subsidy is necessary for viability of the project, and management of the project is consistent with Section 8 requirements.	20
<b>TOTAL MAXIMUM POINTS</b>	<b>100</b>

Prior to selecting the units for project based assistance, PGHA will make a determination that the application is responsive and in compliance with all selection criteria and is otherwise in compliance with HUD program regulations and requirements.

### ***27.10 AWARD OF PROPOSAL***

PGHA will give written notification to the successful proposer(s) within **five (5) business days** of Board approval. Public notice of the selected proposals will be published in the Charlotte Sun-Herald, which is the newspaper of general circulation for the jurisdiction. The PGHA will also notify those proposers that weren't selected within **five (5) business days** from Board approval.

The PGHA will make documentation available for public inspection regarding the basis for the PGHA selection of a Project-Based Voucher proposal.

If proposers wish to appeal the selection process, they may do so by presenting their complaint in writing to the Executive Director within **ten (10) calendar days** from the date contained on the denial letter from the PUNTA GORDA HOUSING AUTHORITY.

The PGHA will seek to resolve all appeals in as informal a manner as possible. The appeal must contain, at a minimum, the following information:

- Name, address, and telephone number of the proposer appealing;

- Identification of the RFP being appealed;
- A statement of the reason for appealing;
- Supporting exhibits, evidence, or documents to substantiate any arguments; and
- The form of relief requested.

The PGHA shall issue a decision on the appeal as expeditiously as possible after receiving all relevant information requested. The PGHA may decide to suspend the award of project-based vouchers if the facts presented in the appeal warrant such action. This action will only be taken if the evidence is clear and convincing as to the existence of an impropriety and there are no other means of resolving the matter. If the PGHA Executive Director believes that an impropriety exists, then the proposed award of project-based vouchers will be canceled or revised to comply with the decision of the Executive Director.

If the appeal is not granted, the Executive Director will provide a written decision with justification for the denial of the appeal.

### ***27.11 ESTABLISHMENT OF INITIAL RENTS***

PGHA will establish the rents in accordance with the provisions of Section 27.9 outlined above or seek approval of proposed rents from HUD or a HUD approved independent entity for any PGHA or PGHA affiliate owned units or HUD insured or co-insured mortgage.

All other rents must be determined reasonable as compared to comparable non-subsidized units.

### ***27.12 REHABILITATION WORK AND NEW CONSTRUCTION REQUIREMENTS***

The owner will be required to prepare work write ups, construction specifications and plans upon request as determined appropriate by PGHA for rehabilitation and new construction projects. In addition, new construction projects require certification by a design architect that the proposed new construction reflected in the working drawings and specifications complies with ADA requirements, local codes and ordinances and zoning requirements.

The owner is responsible for selecting a responsible contractor for rehabilitation and new construction and said contractor must provide PGHA with a non-debarment certification.

An agreement to enter in a Housing Assistance Payments (AHAP) Contract will be executed upon satisfactory completion of all requirements identified above. Upon execution of the AHAP, the construction period shall commence. The construction period shall be determined in accordance with the approved application and entered into the AHAP agreement. PGHA will perform regular inspections during the construction period.

Upon completion of construction, the owner must provide PGHA with a certificate of occupancy. PGHA will perform a final inspection prior to acceptance of the units and notify the



owner of any deficiencies that may exist. The owner will be allotted a time extension if warranted or PGHA may reject any units that do not meet program requirements. If deficiencies are not cured in the agreed upon time or the owner fails to complete the work within the timeframe identified in the AHAP agreement, PGHA may adjust the number of units to be placed under contract or not proceed with execution of the HAP agreement.

### ***27.13 ENVIRONMENTAL REVIEW***

The PGHA will not enter into an Agreement or HAP contract with an owner nor will the PGHA, the owner or its contractors acquire, dispose of, demolish, or construct real property or commit or expend program or local funds for Project-Based Voucher activities until one of the following occurs:

- (a) The responsible entity (a unit of general local government, a county or a state) has completed the environmental review procedures required by 24 CFR part 58, and HUD has approved the environmental certification and request for release of funds;
- (b) The responsible entity has determined that the project to be assisted is exempt under 24 CFR 58.34 or is categorically excluded and not subject to compliance with environmental laws under 24 CFR 58.35(b); or
- (c) HUD has performed an environmental review under 24 CFR part 50 and has notified the PGHA in writing of environmental approval of the site.

The PGHA will require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.

### ***27.14 PROHIBITION OF EXCESS PUBLIC ASSISTANCE***

The PGHA will only provide Project-Based Voucher assistance in accordance with HUD subsidy layering regulations and other requirements. The subsidy layering review is intended to prevent excessive public assistance for the housing by combining (layering) housing assistance payment subsidy under the Project-Based Voucher Program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits. The PGHA will only enter into an Agreement or HAP contract after HUD or an independent entity approved by HUD has conducted any required subsidy layering review and determined that the Project-Based Voucher assistance is in accordance with HUD subsidy layering requirements.

The PGHA will require the owner to certify that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than the assistance disclosed in the subsidy layering review in accordance with HUD requirements.

### ***27.15 HOUSING ASSISTANCE PAYMENT CONTRACT***

Upon acceptance of the units by PGHA, a HAP contract for Project Based Assistance for the Housing Choice Voucher Program will be executed in the format prescribed by HUD. PGHA will execute all PBV initial HAP contracts for a period of fifteen years, subject to future availability of funding under the ACC with HUD. In addition, PGHA may permit one or more extensions for a period not to exceed fifteen additional years, based upon a determination by PGHA that an extension is necessary to achieve long term affordability of the housing.

The HAP contract will permit owners to request rent increases annually to correspond with the anniversary date of the contract. All requested rents must be determined reasonable by PGHA and cannot exceed 110% of the FMR or any HUD approved exception payment standard. PGHA will provide for vacancy payment under the PBA contract for up to 60 days provided that the vacancy is not the fault of the owner and the owner has taken every reasonable action to minimize the likelihood and extent of vacancies.

### ***27.16 WAITING LIST***

PGHA prospective tenants for individual Project Based Voucher sites shall be selected from the PGHA Waiting List and related preferences. In addition, tenant selection shall be based upon any additional, more stringent tenant selection requirements, as may be required based upon any other regulatory agreement which governs the management of the site. This preference shall be granted only to the extent that it does not conflict with the provisions of this Administrative Plan, 24 CFR 982, or any other applicable HUD rule or regulation. If the existing PGHA Waiting List is not sufficient to provide an adequate pool of applicants based upon these additional criteria, PGHA may, upon approval of the Board of Commissioners, allow individual sites to maintain their own waiting lists. This shall be considered on a case by case basis.

The contract unit leased to each family must be appropriate for the size of the family in accordance with PGHA occupancy standards.

### ***27.1 FAMILY RIGHT TO MOVE***

A family may terminate the assisted lease at any time after the first year of occupancy. The family must give the owner advance written notice of the intent to vacate, with a copy to the PGHA in accordance with the lease.

If the family has elected to terminate the lease after the first year in compliance with the lease, it is eligible for continued tenant-based rental assistance in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

Before providing notice to terminate the lease, the family must contact the PGHA to request comparable tenant-based rental assistance if the family wishes to move with continued

assistance. If voucher or other comparable tenant-based rental assistance is not immediately available upon termination of the family's lease of a project-based voucher unit, the PGHA will give the family priority to receive the next available opportunity for continued tenant-based rental assistance.

If the family terminates the assisted lease before the end of one year, the family relinquishes the opportunity for continued tenant-based assistance.

## **28.0 HOUSING CONVERSION ACTIONS (ENHANCED AND REGULAR HOUSING CHOICE VOUCHERS)**

Housing conversion actions are:

- A. Owner decisions to opt-out of or not renew Section 8 project-based contracts (opt-outs);
- B. Owner prepayments of the mortgage or the voluntary termination of the mortgage insurance of a preservation eligible property (preservation prepayments);
- C. HUD enforcement actions against owners (including the termination or non-renewal of a Section 8 project-based housing assistance payments (HAP) contract); and
- D. HUD property disposition activities.

Depending on the type of Housing Conversion Action, eligible families receive either regular voucher assistance or enhanced voucher assistance. Enhanced voucher assistance under Section 8(t) of the United States Housing Act of 1937 differs from regular housing choice voucher assistance in two major respects if the participant remains in the effected property. First, it will establish a new "minimum rent" equal to the rent the family was paying at the time of the eligibility event, and second it may establish an enhanced payment standard that exceeds the PUNTA GORDA HOUSING AUTHORITY's normal payment standard.

Specifically, the following actions constitute "housing conversion actions":

- A. Preservation Prepayments

When the owner prepays the mortgage or voluntarily terminates the mortgage insurance of preservation eligible properties (generally Section 236 and Section

221(d)(3) properties) certain residents are eligible for enhanced voucher assistance.

B. Project-based Opt-outs

When an owner chooses to end participation in certain programs by either opting-out of or not renewing certain expiring Section 8 contracts, eligible low-income residents assisted under the expiring Section 8 project-based contract are eligible for enhanced voucher assistance. The opt-out category includes cases where Section 8 contracts in restructured properties are converted to tenant-based assistance in accordance with section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997. In the case of a 515(c) opt-out only, all families assisted under the expiring contract are income-eligible for enhanced voucher assistance.

Eligible low-income residents assisted under a rent supplement contract under Section 101 of the Housing and Urban Development Act of 1965 that ends at the expiration of a Section 8 HAP contract for units in the property are also eligible for enhanced voucher assistance. In a case where a rent supplement contract ends and there is not an expiring Section 8 project-based contract at the property, regular vouchers are provided to the eligible low-income families covered by the rent supplement contract, subject to availability of appropriations.

C. HUD Enforcement Actions

When there is a HUD-originated termination action, HUD is either terminating the Section 8 project-based HAP contract or not offering the owner the option to renew an expiring Section 8 project-based HAP contract due to an owner's failure to comply with the terms of the HAP contract. It includes suspensions and debarments.

HUD enforcement actions may also result from material adverse financial or managerial actions or omissions that lead to either owner default under a FHA-insured mortgage (monetary or technical) or a documented material violation of one or more of the obligations under the property's Regulatory Agreement.

Eligible families are usually assisted with regular vouchers in these circumstances because families must move to receive housing choice voucher assistance.

D. HUD Property Disposition

A property disposition occurs when HUD is selling the property at a foreclosure sale, or is the mortgagee-in-possession or owner of the multifamily property due to an owner default on an FHA-insured mortgage and is closing down the property or selling the property to a new owner. Regular vouchers are provided to assist eligible low-income families in these cases.

## **28.1 TENANT-BASED ISSUES FOR HOUSING CONVERSION ACTIONS**

In general, housing choice voucher program rules, regulations, and requirements apply to special admission vouchers made available for families as the result of "housing conversion actions". Some actions will lead to the issuance of enhanced vouchers, which will be discussed in detail in this Section.

The following program guidance is applicable to all housing conversion actions, both regular and enhanced voucher assistance.

### **A. Tenant-based Nature of the Assistance**

Housing choice vouchers (including enhanced vouchers) provided by HUD as the result of a housing conversion action are always tenant-based assistance. Families issued vouchers may elect to use the assistance in the same property and in all cases may choose to move from the property. Families may choose to exercise portability and move outside of the jurisdiction of the PUNTA GORDA HOUSING AUTHORITY. There is no guarantee to the owner that any housing choice voucher assistance will be utilized at the property for any period of time. The PUNTA GORDA HOUSING AUTHORITY will emphasize the tenant-based aspect of the assistance when briefing families, who may be unfamiliar with the concept of tenant-based assistance and the freedom of choice associated with a tenant-based subsidy.

### **B. PUNTA GORDA HOUSING AUTHORITY Screening of Families**

The PUNTA GORDA HOUSING AUTHORITY will utilize its normal screening procedures as part of the eligibility requirements.

The PUNTA GORDA HOUSING AUTHORITY will provide any family denied assistance with an opportunity for an informal review. The decision to deny assistance rests with the PUNTA GORDA HOUSING AUTHORITY,

### **C. Use of Owner Certifications for Determining Tenant Income**

In order to reduce processing time, the PUNTA GORDA HOUSING AUTHORITY may exercise its right to use the owner's most recent family income examination if:

1. The owner's current certification for the family is no more than six (6) months old; and
2. The PUNTA GORDA HOUSING AUTHORITY determines that the owner certifications are acceptable after reviewing a small sample for accuracy.

If the PUNTA GORDA HOUSING AUTHORITY chooses to use the owner's income certification, the PUNTA GORDA HOUSING AUTHORITY will complete the subsequent family reexamination within one year of the date of the owner certification, not the date the PUNTA GORDA HOUSING AUTHORITY accepted the owner certification in lieu of conducting its own determination.

D. PUNTA GORDA HOUSING AUTHORITY Subsidy Standards

The PUNTA GORDA HOUSING AUTHORITY will issue the housing choice voucher in accordance with its normal subsidy standards, not the actual size of the unit the family is currently occupying. There is a special rule for enhanced vouchers concerning families who reside in over-sized units and wish to remain at the property. This exception only applies to enhanced voucher assistance.

The PUNTA GORDA HOUSING AUTHORITY will utilize the subsidy standard to calculate the maximum rent subsidy for the family. The payment standard for the family shall be the lower of:

1. The payment standard for the family unit size as determined by the PUNTA GORDA HOUSING AUTHORITY subsidy standards; or
2. The payment standard for the actual size of the unit rented by the family.

E. Search Time

Since these vouchers are targeted to specific families adversely affected by HUD or owner actions in HUD multifamily properties, the PUNTA GORDA HOUSING AUTHORITY will provide families with maximum search time that is reasonably required to locate housing.

F. Rent Reasonableness and Approval of Tenancy

All regular program requirements regarding the reasonableness of rent apply, regardless of whether the vouchers are enhanced vouchers or regular vouchers.

Reasonable rent is defined as a rent to owner that is not more than rent charged:

1. For comparable units in the private unassisted market; and
2. For comparable unassisted units in the premises.

The PUNTA GORDA HOUSING AUTHORITY will not approve a lease until the PUNTA GORDA HOUSING AUTHORITY determines that the initial rent to owner is a reasonable rent, regardless of whether the family chooses to remain in the family's current unit or move to a different unit.

If the PUNTA GORDA HOUSING AUTHORITY determines the proposed rent is not reasonable, the owner must lower the rent or the family will have to find another unit in order to benefit from the voucher subsidy.

The initial lease term must be for at least one year unless the PUNTA GORDA HOUSING AUTHORITY determines that a shorter term would improve housing opportunities for the participant and such shorter term is the prevailing local market practice.

#### G. Housing Quality Standards Inspections

The PUNTA GORDA HOUSING AUTHORITY will inspect the unit to ensure that the unit meets the normal housing quality standards even if the family is residing in a unit that was previously assisted under a Section 8 project-based contract. Under no circumstances will the PUNTA GORDA HOUSING AUTHORITY make housing assistance payments for any period of time prior to the date that the PUNTA GORDA HOUSING AUTHORITY physically inspects the unit and determines that the unit meets the housing quality standards.

#### H. Timing Issues Involving HAP Contract Execution and Effective Dates

The funding process for vouchers that the PUNTA GORDA HOUSING AUTHORITY receives from HUD is intended to result in issuance of the voucher to the family at least **60 calendar days** prior to the target date of the housing conversion action. The target date is the date that the family would be impacted by a rent increase or possible displacement as a result of the housing conversion action.

For opt-out or HUD enforcement actions, the target date is the date that the project-based HAP contract expires or is terminated. For a preservation property, the target date is the earliest date the owner may increase the rent (no earlier than **60 calendar days** following the effective date of the prepayment).

Before the PUNTA GORDA HOUSING AUTHORITY approves a family to lease a dwelling unit with voucher assistance, the PUNTA GORDA HOUSING AUTHORITY shall determine that the following conditions are met:

1. The unit is eligible;
2. The unit has been inspected and passes the housing quality standards;
3. The lease includes the tenancy addendum;
4. The rent to owner is reasonable; and
5. At the time a family initially receives tenant-based regular voucher assistance for occupancy of a dwelling unit and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share (gross rent minus subsidy) must not exceed 40 percent of the family's adjusted monthly income. (The 40 percent restriction is not applicable in the case of a family assisted with enhanced voucher assistance.)

Once these conditions are met, the PUNTA GORDA HOUSING AUTHORITY will approve the unit for leasing.

In establishing the effective date of tenant-based HAP contracts, it is very important to make a distinction between families who choose to stay in the property and families who choose to move. The PUNTA GORDA HOUSING AUTHORITY will not approve a tenancy (and execute a housing choice voucher HAP contract) on behalf of a stayer (family that stays in the property) for a lease term that is effective prior to the target date of the housing conversion action. For a family that is moving, the PUNTA GORDA HOUSING AUTHORITY may approve a tenancy that begins before the target date, since in strong rental markets potential landlords will not hold a unit vacant.

#### I. Initial and Subsequent Use of Vouchers

All housing choice vouchers (enhanced or non-enhanced) provided in connection with housing conversion actions are special admission vouchers. Special admission vouchers differ from regular vouchers in that HUD provides the assistance with a specific family in mind. The PUNTA GORDA HOUSING AUTHORITY will first use the allocation to assist the families targeted for assistance. The PUNTA GORDA HOUSING AUTHORITY will not consider



whether the family is on the housing choice voucher waiting list or the family's position on the housing choice voucher waiting list.

If a voucher issued to a family as the result of a housing conversion action turns over for any reason, the PUNTA GORDA HOUSING AUTHORITY will retain the voucher for use as part of its regular housing choice voucher program. In cases where an enhanced voucher turns over following initial issuance, the voucher loses its special enhanced characteristics and is subject to all normal housing choice voucher program rules.

- J. Inapplicability of the PUNTA GORDA HOUSING AUTHORITY Targeting Requirement  
Families admitted to the PUNTA GORDA HOUSING AUTHORITY's tenant-based voucher program as a result of a housing conversion action are not subject to the income targeting requirements of the tenant-based program, and their admission will not be counted in determining whether the PUNTA GORDA HOUSING AUTHORITY complied with the income targeting requirement.

## **28.2 PRESERVATION PREPAYMENTS**

When the owner prepays the mortgage or voluntarily terminates the mortgage insurance of preservation eligible properties (generally Section 236 and Section 221(d)(3) properties) certain residents are eligible for enhanced voucher assistance.

- A. Owner Prepays the Mortgage or Voluntarily Terminates the Mortgage Insurance (Preservation Prepayments)

Tenant-based assistance is offered to eligible residents of properties covered by the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA) and the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA). (HUD's Office of Housing is responsible for identifying property eligibility under these provisions)

1. Covered Prepayments

To be considered an eligible property, the property must have reached its 20<sup>th</sup> year from final endorsement and meet one of the following criteria:

- a. Section 221(d)(3)-market rate, limited distribution properties receiving Section 8 payments converted from Rent Supplement whose project number series is 35001-36599;

- b. All Section 221(d)(3) below market interest rate properties whose project number series are 55001-55999 and 57501-57999, unless a Rent Supplement Contract remains in effect between HUD and the mortgagor;
- c. All Section 236 properties whose project number series are 44001-44799; 44801-44899; 45001-45999; and 58501-58999, unless a Rent Supplement Contract remains in effect between HUD and the mortgagor;
- d. A purchase money mortgage formerly insured under Section 221(d)(3) or 236;
- e. A mortgage held by a state agency as a result of a sale by HUD without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA; which mortgage (1) for LIHPRHA properties is, or is within 2 years of being, eligible for prepayment by contract or regulation in effect before February 5, 1988 without HUD's prior approval; or (2) for ELIHPA properties is, or is within 1 year of being, eligible for prepayment under regulation or contract in effect before February 5, 1988; or
- f. All State-assisted properties that are eligible for preservation assistance under LIHPRHA or ELIHPA.

2. Flexible Subsidy Properties

Section 536 of the Preserving Affordable Housing for Senior Citizens and Families into the 21<sup>st</sup> Century Act provides that any property that receives or has received assistance under Section 201 of the Housing and Community Development Amendments of 1978 (the flexible subsidy program, 12 U.S.C. 1715z-1a) which is the subject of a transaction under which the property is preserved as affordable housing (as determined by HUD) shall be considered eligible low-income housing under Section 229 of LIHPRHA for purposes of eligibility of residents for enhanced tenant-based assistance. (The Office of Housing is responsible for determining on a case-by-case basis if a flexible subsidy property meets the requirements of Section 536 concerning the applicability of enhanced vouchers)

B. Families Eligible for Enhanced Voucher Assistance in Preservation Eligible Properties

The resident family must be residing in the preservation eligible property on the effective date of prepayment or voluntary termination of mortgage insurance (or the effective date of the transaction in the case of covered flexible subsidy properties), and must be income-eligible on that effective date.

1. Income Eligibility

In order to be eligible for enhanced voucher assistance, the resident must be:

- a. A low-income family (including a very low-income or extremely low income family);
- b. A moderate-income elderly or disabled family; or
- c. A moderate-income family residing in a low vacancy area (3 percent or less vacancy rate). (The HUD field office economist is responsible for determining whether the property where the owner is prepaying or voluntarily terminating the mortgage insurance is located in a low vacancy area).

A resident family who does not fall into one of those categories on the effective date of the prepayment or voluntary termination is not eligible for a voucher, regardless of whether the family's situation subsequently changes after the effective date of the prepayment.

A low-income family is a family whose annual income does not exceed **80 percent** of the median income for the area as determined by HUD.

A moderate-income family is a family whose annual income is above **80 percent but does not exceed 95 percent** of the area median income as determined by HUD.

2. Unassisted and Assisted Families

Both previously unassisted and currently assisted residents may be eligible for enhanced voucher assistance as the result of a preservation prepayment.

A voucher participant who is residing in the property at the time of the eligibility event shall receive enhanced voucher assistance if the family meets all of the following conditions:

- a. The family must meet the income requirements on the date of the eligibility event;
- b. Any rent increase under the voucher program must be in accordance with the lease agreement and program regulations;
- c. The new gross rent must be reasonable; and
- d. The family must decide to stay in the unit instead of moving.

Under the voucher program, an owner may increase the rent as permitted by the terms of the existing lease and local and state law, so long as the new rent is reasonable. The owner is not required by the program regulations to terminate the existing lease and HAP contract for current voucher participants to receive the special enhanced subsidy.

If the above conditions are met, the payment standard utilized by the PUNTA GORDA HOUSING AUTHORITY to calculate the housing assistance payment is the new gross rent of the family's unit. The enhanced voucher minimum rent requirement now applies to the family (See Enhanced Voucher Minimum Rent Requirement for Stayers below).

Any family receiving Section 8 project-based assistance on the effective date of the prepayment will continue to receive the project-based assistance until the project-based contract expires or terminates. Such families will receive enhanced voucher assistance at the time of the expiration and non-renewal of the Section 8 project-based contract.

### 3. Eligibility Event and Existing Leases

Note that the eligibility event (e.g., the prepayment of the mortgage or the voluntary termination of a mortgage insurance contract for a preservation eligible property and the approval of the flexible subsidy transaction for flexible subsidy properties) does not in itself necessarily terminate or modify the existing leases between the owner and the current residents of the property. An owner may only legally increase the rent or terminate the lease as provided under the terms of the lease in accordance with state and local law. **In addition, an owner may not increase the rent for at least 60 calendar days from the eligibility event in the case of a preservation prepayment or voluntary termination of the mortgage.**

If an eligible family chooses to stay at the property, the PUNTA GORDA HOUSING AUTHORITY will not enter into a HAP contract that commences prior to the effective date of the rent increase.

In addition, a family that receives an enhanced voucher has the right to remain in the property as long as the units are used for rental housing and are otherwise eligible for housing choice voucher assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for a serious or repeated lease violation or other good cause. If an owner refuses to honor the family's right to remain, the family may exercise any judicial remedy that is available under state and/or local law.

4. Family Eligibility for Enhanced Voucher Assistance in Cases Where There Would Be No Initial Housing Assistance Payment and the Family Wishes to Stay in the Property

If the PUNTA GORDA HOUSING AUTHORITY determines that the family is income-eligible for an enhanced voucher but that there is no HAP payment because the family's total tenant payment equals or is greater than the gross rent, the PUNTA GORDA HOUSING AUTHORITY will maintain a record of eligibility determination for that family. The PUNTA GORDA HOUSING AUTHORITY shall inform the family that should the family's income decrease or the family's rent increase within three years of the eligibility event, the family may contact the PUNTA GORDA HOUSING AUTHORITY. Should the PUNTA GORDA HOUSING AUTHORITY then determine that the change in income would result in a housing assistance payment, the PUNTA GORDA HOUSING AUTHORITY will execute a housing assistance payment contract on behalf of the family at such time (assuming the unit is approved for leasing in accordance with the housing choice voucher program requirements). It is the family's responsibility to contact the PUNTA GORDA HOUSING AUTHORITY when there is a decrease in family income or an increase in the family rent.

C. Voluntary Termination of Mortgage Insurance or Prepayment of Mortgage on Section 236 Property's Where Section 236 Rent Rules Remain Applicable (decoupling actions)

Where an owner voluntarily terminates the mortgage insurance or prepays the Section 236 mortgage in a preservation eligible Section 236 property and the rent setting requirements of the Section 236 program are still applicable to the property, the enhanced voucher rent would be no greater than the Basic Rent established in accordance with HUD Notice H 2000-8. Since families must pay at

least 30 percent of their monthly adjusted income under the voucher subsidy formula, only those low-income families required to pay the basic rent will receive any voucher subsidy in such instance, unless the family chooses to move.

Regardless of the rents established under the rent formula for these properties, the rent reasonableness requirements of the housing choice voucher program must be met for the family to receive tenant-based assistance at the property. (The HUD Field Office is responsible for informing the PUNTA GORDA HOUSING AUTHORITY in cases where the rent setting requirements of the Section 236 program remain in effect).

D. Enhanced Voucher Family Right to Remain

The FY 2001 Military Construction and FY 2000 Emergency Supplemental Appropriations laws amended Section 8(t) of the United States Housing Act. A family that receives an enhanced voucher has the right to remain in the property as long as the units are used for rental housing and are otherwise eligible for housing choice voucher assistance (e.g., the rent is reasonable, unit meets HQS, etc.) The owner may not terminate the tenancy of a family that exercises its right to remain except for a serious or repeated lease violation or other good cause. If an owner refuses to honor the family's right to remain, the family may exercise any judicial remedy that is available under State and/or local law.

E. Characteristics of Enhanced Voucher Assistance

1. Payment Standard Where the Family Chooses to Stay in the Same Property

For a family that stays in the property, the payment standard used to calculate the voucher housing assistance payment is the gross rent (rent to owner, plus the applicable PUNTA GORDA HOUSING AUTHORITY utility allowance for any tenant-supplied utilities) of the family's unit (provided the proposed gross rent is reasonable), regardless of whether the gross rent exceeds the PUNTA GORDA HOUSING AUTHORITY payment standard.

2. Rent Reasonableness Documentation and Lease Requirements

All regular housing choice voucher program requirements concerning the reasonableness of the rent and the provisions of the HUD prescribed lease addendum apply to enhanced vouchers. The PUNTA GORDA HOUSING AUTHORITY will determine whether the proposed rent for the family's unit is reasonable.

The PUNTA GORDA HOUSING AUTHORITY makes this determination by comparing the unit to other comparable unassisted units based on the current condition of the unit. If the PUNTA GORDA HOUSING AUTHORITY determines the owner's proposed new rent is not reasonable, the owner must either lower the rent, or the family will have to find another unit in order to benefit from the voucher.

The special payment standard for enhanced tenant-based assistance for a family that stays in the unit sometimes results in the PUNTA GORDA HOUSING AUTHORITY approving a tenancy for a unit that otherwise would be ineligible or unaffordable to a family with regular tenant-based assistance. If the rent is reasonable in comparison to the rents of comparable unassisted units, there is nothing improper or incorrect in approving the owner's new rent even if the rent would not normally be affordable for a family with a regular housing choice voucher. The PUNTA GORDA HOUSING AUTHORITY will document the rent reasonableness of the owner's rent in the family's file by including the rents and addresses of the comparable units used to make the determination.

3. Effect of Family Unit Size Limitation - Initial Issuance

The PUNTA GORDA HOUSING AUTHORITY will issue the family an enhanced voucher based on its Subsidy Standards, not on the actual size of the unit the family is currently occupying. However, if the family wishes to stay in the property, but is living in an oversized unit, the enhanced voucher family must move to an appropriate size unit in the property if one is available. To the extent there are more over-housed families than appropriate size units available at any time, the PUNTA GORDA HOUSING AUTHORITY will determine based on family circumstances (age, frailty, etc.) which families will be required to move.

If an over-housed enhanced voucher family refuses to move to the appropriate size unit, the PUNTA GORDA HOUSING AUTHORITY will calculate the family's housing assistance payment for the oversized unit based on the normally applicable voucher subsidy formula using the applicable payment standard established by the agency for its voucher program. The family will be responsible for any amount of the gross rent not covered by the housing assistance payment.

The owner must immediately inform the PHA and the family when an appropriate size unit will become available in the project. When an

appropriate size unit becomes available, the enhanced voucher family residing in the oversized unit must move to the appropriate size unit in a reasonable time (as determined by the PUNTA GORDA HOUSING AUTHORITY) to continue to receive enhanced voucher assistance. The family and owner will enter into a new lease and the housing authority will execute a new voucher HAP contract with the owner for the appropriate size unit. The enhanced voucher subsidy calculation is based on the gross rent for the appropriate size unit.

The effective date of the housing assistance payment contract for the oversized unit will not be earlier than the expiration date of the term of the family voucher. The family will be responsible for the full rent of the unit prior to the effective date of the housing assistance payment contract.

The payment standard is the gross rent of the oversized unit. If the PUNTA GORDA HOUSING AUTHORITY determines that the unit of an enhanced voucher family is no longer decent, safe, and sanitary under the HQS requirements because an increase or decrease in family size causes the unit to be overcrowded or over-housed, the family must move to an appropriate size unit in the property when it is or becomes available.

If the family moves to an appropriate size unit in the property, the enhanced voucher subsidy rules would continue to apply to the family's voucher assistance. In the case of a family move from the property, the regular housing choice voucher program rules apply.

4. Family Move: Normal Payment Standard is Applicable

The PUNTA GORDA HOUSING AUTHORITY's normal payment standard is utilized to determine the family's maximum voucher subsidy when the family moves from the property. This includes cases where the proposed new rent for the family's current unit if it is not reasonable or the unit fails HQS, requiring the family to move in order to continue receiving tenant-based assistance.

5. Enhanced Voucher Minimum Rent Requirement for Stayers

Families assisted with enhanced housing choice voucher assistance have a special statutory minimum rent requirement. The law requires that a family receiving enhanced voucher assistance must pay for rent no less than the rent the family was paying on the date of the eligibility event (the effective date of the prepayment of the mortgage or voluntary termination



of the mortgage insurance) regardless of what happens to the family's income.

The enhanced voucher minimum rent only applies if the family remains in the property. The enhanced voucher minimum rent does not apply if the family moves from the property.

The method for calculating the minimum rent changes if the family's income subsequently decreases to a significant extent (**15% or more**) from the family's gross income on the effective date of the prepayment. Guidance on recalculating the minimum rent in cases when a family's income significantly decreases is discussed in detail in number 6. below.

a. Previously Unassisted Residents Rent Requirement

Previously unassisted residents must pay at least the dollar amount of the gross rent (enhanced voucher minimum rent) the family was paying on the date of prepayment or voluntary termination. The PUNTA GORDA HOUSING AUTHORITY's utility allowance will be used to calculate the gross rent at prepayment if all utilities were not included in the rent the family paid to the owner.

The method for calculating the minimum rent changes if the family's income subsequently decreases to a significant extent (15% or more) from the family's gross income on the effective date of the prepayment. Guidance on recalculating the minimum rent in cases when a family's income significantly decreases is discussed in detail in number 6 below.

b. Previously assisted Section 8 Tenant-based Families Rent Requirement

Residents assisted with Section 8 tenant-based vouchers at the time of a prepayment or voluntary termination by the owner will pay at least the family share (enhanced voucher minimum rent) that they were paying on eligibility event. The enhanced minimum rent provision only applies if the family chooses to remain in its present unit and receive the "enhanced" subsidy.

A family who stays in the unit and receives enhanced voucher assistance must pay the enhanced voucher minimum rent. If the enhanced voucher minimum rent exceeds **40 percent** of the family's monthly-adjusted income, a family must still pay at least

the enhanced voucher minimum rent, and the restriction on the normal initial family contribution is not applicable.

6. Significant Decline in Family Income - Effect on Enhance Voucher Minimum Rent

If an enhanced voucher family suffers a significant decline in family income, the minimum family share required of the family shall be reduced below the enhanced minimum rent provision so that the percentage of income for rent **does not exceed the greater of 30 percent or the percentage of monthly adjusted income actually paid by the family for rent (the rent to owner, plus tenant-paid utilities) on the effective date of the prepayment.** A significant decline is defined as gross family income that is at least **15 percent** less than the gross family income on the date of the eligibility event.

If the family suffers a significant decline in family income, the PUNTA GORDA HOUSING AUTHORITY will change the enhanced voucher minimum rent from an actual dollar amount to a specific percentage of income.

a. Previously Unassisted Families

For eligible families who were previously unassisted on the eligibility event, the family's new enhanced voucher minimum rent is the greater of:

- i. The percentage of the monthly adjusted income the family paid for gross rent on the effective date of the eligibility event; or
- ii. 30 percent of the family's current adjusted monthly income.

b. Previously assisted Section 8 Tenant-based Families

For families who were previously assisted under a project-based or tenant-based contract on day the eligibility event, the family's new enhanced voucher minimum rent is the greater of:

- i. The percentage of the monthly adjusted income the family paid for gross rent;
- ii. The Total Tenant Payment;

- iii. The family share represented on the effective date of the eligibility event; or
- iv. 30 percent of the family's current adjusted monthly income.

The new enhanced voucher minimum rent for these families is a percentage of income as opposed to a specific dollar amount. Once this change in the enhanced voucher minimum rent becomes effective for a family, the enhanced voucher minimum rent for the family remains that specific percentage of income and will not revert to a specific dollar amount, even if the family income subsequently increases or decreases.

When a family reports a significant decrease in family income, the PUNTA GORDA HOUSING AUTHORITY will conduct an interim reexamination and verify the changes in income.

The minimum rent represents the lowest amount the family may pay as their family share for as long as the family remains in the property. A family may pay no less than the enhanced voucher minimum rent. Depending on the circumstances, the family may have to pay more than the enhanced voucher minimum rent at the time of eligibility event.

7. Calculating the HAP for Enhanced Voucher Assistance

Regardless of whether the owner's new gross rent after the eligibility event exceeds or is less than the PUNTA GORDA HOUSING AUTHORITY's payment standard, the housing assistance payment for a family that stays in their present unit (or moves from an oversized unit to an appropriate size unit within the property) is the following:

The gross rent for the unit minus the greatest of:

- a. 30 percent of the adjusted family income;
- ii. 10 percent of the family monthly income (gross monthly income);
- iii. The welfare rent in as-paid states;
- iv. The enhanced voucher minimum rent; or

- v. The PUNTA GORDA HOUSING AUTHORITY's minimum rent.

8. Movers from the Property

If a resident decides to move from the property with the voucher assistance, the payment standard is not enhanced and the special voucher minimum rent does not apply. This applies both to families who decide to move when the eligibility event takes place and to families who have resided at the property after the eligibility event and want to move with continued assistance. In either circumstance, the housing assistance payment and the family share at the new unit are calculated in accordance with the regular rules of the housing choice voucher program.

- F. Administering Enhanced Voucher Assistance

The special conditions of enhanced voucher assistance (enhanced voucher minimum rent and the special payment standard rules) are applicable for as long as the family receives voucher assistance in the property.

If an owner subsequently raises the rent for an enhanced voucher family in accordance with the lease, State and local law, and voucher program regulations (including rent reasonableness), the PUNTA GORDA HOUSING AUTHORITY will utilize the new gross rent to calculate the voucher HAP payment for the family.

The PUNTA GORDA HOUSING AUTHORITY shall identify an eligible family as an enhanced voucher family even if the gross rent of the family's unit does not currently exceed the normally applicable PUNTA GORDA HOUSING AUTHORITY payment standard. Since the enhanced payment standard rule also covers any subsequent rent increases, it is possible that the special payment standard may come into play later in the family's tenancy. An enhanced voucher family is also required by law to pay no less than the enhanced voucher minimum rent, regardless of whether the gross rent exceeds the normally applicable PUNTA GORDA HOUSING AUTHORITY payment standards.

1. Enhanced Voucher Minimum Rent

The enhanced voucher minimum rent requirement remains in effect for all families who receive enhanced voucher assistance for as long as they remain in the property.

2. The payment standard used to calculate the family subsidy will continue to be enhanced to match the gross rent for the unit if the gross rent exceeds the normally applicable payment standard and the PUNTA GORDA HOUSING AUTHORITY determines the rent is reasonable for as long as the enhanced voucher family continues to reside in the same property.

If the owner raises the rent for a family assisted with an enhanced voucher in accordance with the lease, State and local law, and voucher program regulations, the PUNTA GORDA HOUSING AUTHORITY will increase the enhanced payment standard to equal the new gross rent (rent to owner and the applicable PUNTA GORDA HOUSING AUTHORITY utility allowance for any tenant-supplied utilities) for the unit provided the PUNTA GORDA HOUSING AUTHORITY determines the rent is reasonable. The additional cost of the subsidy will be covered through the regular renewal process for the PUNTA GORDA HOUSING AUTHORITY's voucher program.

If a change in the PUNTA GORDA HOUSING AUTHORITY's utility allowance (either an increase or decrease) affects the gross rent for a family assisted with an enhanced voucher, the PUNTA GORDA HOUSING AUTHORITY will adjust the enhanced payment standard accordingly. The enhanced payment standard may never exceed the gross rent for the assisted family's unit.

### **28.3 OWNER OPT-OUTS**

If an owner opts-out or elects not to renew an expiring contract for project-based assistance, HUD will make enhanced voucher authority available to the PUNTA GORDA HOUSING AUTHORITY for eligible families covered by the expiring contract.

#### **A. Covered Opt-outs**

The property must be covered in whole or in part by a contract for project-based assistance, and consist of more than four dwelling units under one of the following programs:

1. The new construction or substantial rehabilitation program under Section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983);
2. The property disposition program under Section 8(b) of the United States Housing Act of 1937;

3. The loan management assistance program under Section 8(b) of the United States Housing Act of 1937;
4. The rent supplement program under Section 101 of the Housing and Urban Development Act of 1965, provided that at the same time there is also a Section 8 project-based contract at the same property that is expiring or terminating and will not be renewed;
5. Section 8 of the United States Housing Act of 1937, following conversion from assistance under Section 101 of the Housing and Urban Development Act of 1965; or
6. The moderate rehabilitation program under Section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991).

Note that an owner may not choose to opt-out of a rent supplement contract. Instead, the rent supplement assistance ends either at the end of the term of the contract (generally 40 years after the first rent supplement payment was made) or when the mortgage terminates, depending on which event occurs first.

In addition, although families affected by Section 8 moderate rehabilitation opt-outs are eligible for enhanced vouchers that are subject to enhanced vouchers rules, these opt-outs are not considered a housing conversion action because the expiring contract is between the owner and the PUNTA GORDA HOUSING AUTHORITY. The Housing Authority is not eligible to receive the special fee for extraordinary administrative costs and the specific funding process instructions do not apply to an owner's decision to not renew an expiring Section 8 moderate rehabilitation contract.

**B. Family Eligibility for Enhanced Vouchers as a Result of an Owner Opt-out**

In order to be eligible for enhanced voucher assistance, the resident must be:

1. A low-income family (including a very low or extremely low income family); and
2. Residing in a unit covered by the expiring Section 8 project-based contract on the date of expiration.

In the case of the expiration of a covered Section 8 contract under 515(c) of MAHRA only (mark-to-market restructuring where the Section 8 project-based assistance contract is converted to tenant-based assistance), all families assisted

under the expiring contract are considered income-eligible for enhanced voucher assistance.

C. Special Income Eligibility Rules for Opt-out Families in Properties Where a Preservation Prepayment Preceded the Owner Opt-out

If the owner opt-out of the Section 8 project-based contract occurs after the owner has prepaid the mortgage or voluntarily terminated the mortgage insurance of a preservation eligible property, families who do not meet the definition of a low-income family may still be eligible to receive an enhanced voucher. In order to be eligible, the family must:

1. Reside in a unit covered by the expiring contract on the date of expiration;
2. Have also resided in the property on the effective date of the prepayment; and
3. Meet the income requirements for enhanced voucher eligibility for residents affected by a preservation prepayment described below.

To determine family eligibility in this circumstance, the PUNTA GORDA HOUSING AUTHORITY will first determine income eligibility of the family based on the normal eligibility rules for opt-outs. For a family that is found not to be low-income, the PUNTA GORDA HOUSING AUTHORITY will then make a determination of whether the family lived in the property on the date of the prepayment. If the family resided in the property on the date of prepayment, the PUNTA GORDA HOUSING AUTHORITY will then determine if the family is income-eligible under the preservation prepayment rules.

1. Income Requirements for Enhanced Voucher Eligibility for Residents Affected by a Preservation Prepayment

In order to be eligible for enhanced voucher assistance, the resident must be either:

- i. A low-income family (including a very low or extremely low income family);
- ii. A moderate-income elderly or disabled family; or
- iii. A moderate-income family residing in a low vacancy area (3 percent or less vacancy rate). (The HUD field office economist is responsible for determining whether the property where the owner

is prepaying or voluntarily terminating the mortgage insurance is located in a low vacancy area).

A low-income family is a family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD.

A moderate-income family is a family whose annual income is above 80 percent but does not exceed 95 percent of the area median income as determined by HUD.

If the family meets the preservation income requirement, the PUNTA GORDA HOUSING AUTHORITY will issue the family an enhanced voucher by virtue of the preservation prepayment out of the opt-out voucher allocation received from HUD.

A resident family who does not fall into one of those categories on the effective date of the prepayment or voluntary termination is not eligible for an enhanced voucher, regardless of whether the family's situation subsequently changes after the effective date of the prepayment.

D. Family Eligibility for Enhanced Voucher Assistance in Cases Where There Would be no Initial Housing Assistance Payment and the Family Wishes to Stay in the Property

If the PUNTA GORDA HOUSING AUTHORITY determines that the family is income-eligible for an enhanced voucher but that there is no HAP payment because the family's total tenant payment equals or is greater than the gross rent, the PUNTA GORDA HOUSING AUTHORITY will maintain a record of eligibility determination for that family. The PUNTA GORDA HOUSING AUTHORITY will inform the family that should the family's income decrease or the family's rent increase within three years of the eligibility event, the family may contact the PUNTA GORDA HOUSING AUTHORITY. Should the PUNTA GORDA HOUSING AUTHORITY then determine that the change in income would result in a housing assistance payment, the PUNTA GORDA HOUSING AUTHORITY will execute a housing assistance payment contract on behalf of the family at such time (assuming the unit is approved for leasing in accordance with the housing choice voucher program requirements). It is the family's responsibility to contact the PUNTA GORDA HOUSING AUTHORITY when there is a decrease in family income or an increase in the family rent.

E. Enhanced Voucher Family Right to Remain



The FY 2001 Military Construction and FY 2000 Emergency Supplemental Appropriations laws amended Section 8(t) of the United States Housing Act. A family that receives an enhanced voucher has the right to remain in the property as long as the units are used for rental housing and are otherwise eligible for housing choice voucher assistance (e.g., the rent is reasonable, unit meet HQS, etc.) The owner may not terminate the tenancy of a family that exercises its right to remain except for a serious or repeated lease violation or other good cause. If an owner refuses to honor the family's right to remain, the family may exercise any judicial remedy that is available under State and/or local law.

F. Characteristics of Enhanced Voucher Assistance

1. Payment Standard Where the Family Chooses to Stay in the Same Property

For a family that stays in the property, the payment standard used to calculate the voucher housing assistance payment is the gross rent (rent to owner, plus the applicable PUNTA GORDA HOUSING AUTHORITY utility allowance for any tenant-supplied utilities) of the family's unit (provided the proposed gross rent is reasonable), regardless of whether the gross rent exceeds the PUNTA GORDA HOUSING AUTHORITY normal payment standard.

2. Rent Reasonableness Documentation and Lease Requirements

All regular housing choice voucher program requirements concerning the reasonableness of the rent and the provisions of the HUD prescribed lease addendum apply to enhanced vouchers. The PUNTA GORDA HOUSING AUTHORITY will determine whether the proposed rent for the family's unit is reasonable.

The PUNTA GORDA HOUSING AUTHORITY makes this determination by comparing the unit to other comparable unassisted units based on the current condition of the unit. If the PUNTA GORDA HOUSING AUTHORITY determines the owner's proposed new rent is not reasonable, the owner must either lower the rent, or the family will have to find another unit in order to benefit from the voucher.

The special payment standard for enhanced tenant-based assistance for a family that stays in the unit sometimes results in the PUNTA GORDA HOUSING AUTHORITY approving a tenancy for a unit that otherwise would be ineligible or unaffordable to a family with regular tenant-based assistance. If the rent is reasonable in comparison to the rents of

comparable unassisted units, there is nothing improper or incorrect in approving the owner's new rent even if the rent would not normally be affordable for a family with a regular housing choice voucher. The PUNTA GORDA HOUSING AUTHORITY will document the rent reasonableness of the owner's rent in the family's file by including the rents and addresses of the comparable units used to make the determination.

3. Effect of Family Unit Size Limitation - Initial Issuance

The PUNTA GORDA HOUSING AUTHORITY will issue the family an enhanced voucher based on its Subsidy Standards, not on the actual size of the unit the family is currently occupying. However, if the family wishes to stay in the property, but is living in an oversized unit, the enhanced voucher family must move to an appropriate size unit in the property if one is available. To the extent there are more over-housed families than appropriate size units available at any time, the PUNTA GORDA HOUSING AUTHORITY will determine based on family circumstances (age, frailty, etc.) which families will be required to move.

If there is no appropriate size unit currently available in the property, a family must make a good faith attempt to find a unit outside the property. In order to determine if the family has made a good faith effort, the PUNTA GORDA HOUSING AUTHORITY will require the family to submit a list of potential units by address, the landlords name and telephone number.

If the family has not located an eligible unit at the end of the term of the voucher (including any extension granted by the PUNTA GORDA HOUSING AUTHORITY) despite making a good faith effort, the PUNTA GORDA HOUSING AUTHORITY will execute a housing assistance payment contract for the family's current unit, provided the unit complies with housing quality standards and the proposed rent is determined to be reasonable.

The effective date of the housing assistance payment contract for the oversized unit will not be earlier than the expiration date of the term of the family voucher. The family will be responsible for the full rent of the unit prior to the effective date of the housing assistance payment contract.

The payment standard is the gross rent of the oversized unit. The PUNTA GORDA HOUSING AUTHORITY will advise the family in writing that the enhanced subsidy based on the oversized unit's rent will only be paid

for one year. During that year, the family may move to an appropriate size unit in the property if one becomes available and the owner agrees to mutually terminate the lease agreement for the oversized unit. The family would receive the special payment standard for the appropriate size unit if the family moves to the appropriate size unit under this circumstance.

After the initial year of assistance in the oversized unit, the PUNTA GORDA HOUSING AUTHORITY will apply the normal payment standard in determining the family's housing assistance payment. If the family wishes to remain in the unit and do so under regular housing choice voucher program rules, the family will have to pay the additional cost for the oversized unit out-of-pocket.

If the PUNTA GORDA HOUSING AUTHORITY determines that the unit of an enhanced voucher family is no longer decent, safe, and sanitary under the HQS requirements because of an increase in family size that causes the unit to be overcrowded, the family must move to an appropriate size unit in the property or move to another unit not located at the property to continue to receive housing choice voucher assistance. The PUNTA GORDA HOUSING AUTHORITY is required to assist the family in locating other standard housing in the PUNTA GORDA HOUSING AUTHORITY jurisdiction. The family and the PUNTA GORDA HOUSING AUTHORITY will try to find an acceptable unit as soon as possible. If the family rejects, without good cause, the offer of a unit that the PUNTA GORDA HOUSING AUTHORITY judges to be acceptable, the PUNTA GORDA HOUSING AUTHORITY will terminate the HAP contract.

If the family moves to an appropriate size unit in the property, the enhanced voucher subsidy rules would continue to apply to the family's voucher assistance. In the case of a family move from the property, the regular housing choice voucher program rules apply.

4. Family Move: Normal Payment Standard is Applicable

The PUNTA GORDA HOUSING AUTHORITY's normal payment standard is utilized to determine the family's maximum voucher subsidy when the family moves from the property. This includes cases where the proposed new rent for the family's current unit is not reasonable or the unit fails HQS, requiring the family to move in order to continue receiving tenant-based assistance.

5. Enhanced Voucher Minimum Rent Requirement for Stayers

Families assisted with enhanced housing choice voucher assistance have a special statutory minimum rent requirement. The law requires that a family receiving enhanced voucher assistance must pay for rent no less than the rent the family was paying on the date of the eligibility event (the effective date of the prepayment of the mortgage or voluntary termination of the mortgage insurance).

The enhanced voucher minimum rent only applies if the family remains in the property. The enhanced voucher minimum rent does not apply if the family moves from the property.

A family who stays in the unit and receives enhanced voucher assistance must pay the enhanced voucher minimum rent. If the enhanced voucher minimum rent exceeds 40 percent of the family's monthly-adjusted income, a family must still pay at least the enhanced voucher minimum rent, and the restriction on the initial family contribution is not applicable.

a. Previously Unassisted Residents Rent Requirement

Previously unassisted residents must pay at least the dollar amount of the gross rent (enhanced voucher minimum rent) the family was paying on the date of prepayment or voluntary termination. The PUNTA GORDA HOUSING AUTHORITY's utility allowance is used to calculate the gross rent at prepayment if all utilities were not included in the rent the family paid to the owner.

A family who stays in the unit and receives enhanced voucher assistance must pay the enhanced voucher minimum rent. If the enhanced voucher minimum rent exceeds 40 percent of the family's monthly-adjusted income, a family must still pay at least the enhanced voucher minimum rent, and the restriction on the initial family contribution is not applicable.

b. Previously assisted Section 8 Tenant-based Families Rent Requirement

Residents assisted with Section 8 tenant-based vouchers at the time of the prepayment or voluntary termination the family will pay at least the family share (enhanced voucher minimum rent) that they were paying on eligibility event. The enhanced minimum rent provision only applies if the family chooses to remain in its present unit and receive the "enhanced" subsidy.

A family who stays in the unit and receives enhanced voucher assistance must pay the enhanced voucher minimum rent. If the enhanced voucher minimum rent exceeds 40 percent of the family's monthly-adjusted income, a family must still pay at least the enhanced voucher minimum rent, and the restriction on the initial family contribution is not applicable.

6. Significant Decline in Family Income - Effect on Enhance Voucher Minimum Rent

If an enhanced voucher family suffers a significant decline in family income, the minimum family share required of the family shall be reduced so that the percentage of income for rent does not exceed the greater of 30 percent or the percentage of monthly adjusted income actually paid by the family for rent (the rent to owner, plus tenant-paid utilities) on the effective date of the prepayment. A significant decline is defined as gross family income decline of at least 15 percent from the gross family income on the date of the eligibility event.

If the family suffers a significant decline in family income, the PUNTA GORDA HOUSING AUTHORITY will change the enhanced voucher minimum rent from an actual dollar amount to a specific percentage of income.

a. Previously Unassisted Families

For families who were previously unassisted on the eligibility event, the family's new enhanced voucher minimum rent is the greater of:

- i. The percentage of the monthly adjusted income the family paid for gross rent on the effective date of the eligibility event; or
- ii. 30 percent of the family's current adjusted monthly income.

b. Previously assisted Section 8 Tenant-based Families

For families who were previously assisted under the Section 8 tenant-based voucher program on the eligibility event, the family's new enhanced voucher minimum rent is the greater of:

- i. The percentage of the monthly adjusted income the family paid for gross rent;
- ii. The Total Tenant Payment;
- iii. The family share represented on the effective date of the eligibility event; or
- iv. 30 percent of the family's current adjusted monthly income.

The new enhanced voucher minimum rent for these families is a percentage of income as opposed to a specific dollar amount. Once this change in the enhanced voucher minimum rent becomes effective for a family, the enhanced voucher minimum rent for the family remains that specific percentage of income and will not revert to a specific dollar amount, even if the family income subsequently increases or decreases.

When a family reports a significant decrease in family income, the PUNTA GORDA HOUSING AUTHORITY will conduct an interim reexamination and verify the changes in income.

The minimum rent represents the lowest amount the family may pay as their family share for as long as the family remains in the property. A family may pay no less than the enhanced voucher minimum rent. Depending on the circumstances, the family may have to pay more than the enhanced voucher minimum rent at the time of eligibility event.

#### 7. Calculating HAP for Enhanced Voucher Assistance

Regardless of whether the owner's new gross rent after the eligibility event exceeds or is less than the PUNTA GORDA HOUSING AUTHORITY's payment standard, the housing assistance payment for a family that stays in their present unit (or moves from an oversized unit to an appropriate size unit within the property) is the following:

The gross rent for the unit minus the greatest of:

- a. 30 percent of the adjusted family income;
- b. 10 percent of the family monthly income (gross monthly income);

- c. The welfare rent in as-paid states;
- d. The enhanced voucher minimum rent; or
- e. The PUNTA GORDA HOUSING AUTHORITY's minimum rent.

8. Moves from the Property

If a resident decides to move from the property with voucher assistance, the payment standard is not enhanced and the voucher minimum rent does not apply. This pertains to families who decide to move when the eligibility event takes place, and to families who have resided at the property after the eligibility event and want to move with continued assistance. In either circumstance, the housing assistance payment and the family share at the new unit are calculated in accordance with the regular rules of the housing choice voucher program.

G. Administering Enhanced Voucher Assistance

The special conditions of enhanced voucher assistance (enhanced voucher minimum rent and the special payment standard rules) are applicable for as long as the family receives voucher assistance in the property.

If an owner subsequently raises the rent for an enhanced voucher family in accordance with the lease, State and local law, and voucher program regulations (including rent reasonableness), the PUNTA GORDA HOUSING AUTHORITY will utilize the new gross rent to calculate the voucher HAP payment for the family.

The PUNTA GORDA HOUSING AUTHORITY will identify an eligible family as an enhanced voucher family even if the gross rent of the family's unit does not currently exceed the normally applicable PUNTA GORDA HOUSING AUTHORITY payment standard. Since the enhanced payment standard rule also covers any subsequent rent increases, it is possible that the special payment standard may come into play later in the family's tenancy. An enhanced voucher family is also required by law to pay no less than the enhanced voucher minimum rent, regardless of whether the gross rent exceeds the normally applicable PUNTA GORDA HOUSING AUTHORITY payment standards.

1. Enhanced Voucher Minimum Rent

The enhanced voucher minimum rent requirement remains in effect for all families who receive enhanced voucher assistance and remain at the property.

2. The payment standard used to calculate the family subsidy will continue to be enhanced to match the gross rent for the unit if the gross rent exceeds the normally applicable payment standard and the PUNTA GORDA HOUSING AUTHORITY determines the rent is reasonable for as long as the enhanced voucher family continues to reside in the same property.

If the owner raises the rent for a family assisted with an enhanced voucher in accordance with the lease, State and local law, and voucher program regulations, the PUNTA GORDA HOUSING AUTHORITY will increase the enhanced payment standard to equal the new gross rent (rent to owner and the applicable PUNTA GORDA HOUSING AUTHORITY utility allowance for any tenant-supplied utilities) for the unit provided the PUNTA GORDA HOUSING AUTHORITY determines the rent is reasonable. The additional cost of the subsidy will be covered through the regular renewal process for the PUNTA GORDA HOUSING AUTHORITY's voucher program.

If a change in the PUNTA GORDA HOUSING AUTHORITY's utility allowance (either an increase or decrease) affects the gross rent for a family assisted with an enhanced voucher, the PUNTA GORDA HOUSING AUTHORITY will adjust the enhanced payment standard accordingly. The enhanced payment standard may never exceed the gross rent for the assisted family's unit.

#### **28.4 HUD ENFORCEMENT ACTIONS**

HUD enforcement actions can take the form of either terminating a Section 8 project-based HAP contract or not offering the owner the option to renew an expiring Section 8 project-based HAP contract due to an owner's failure to comply with the terms of the HAP contract. It includes suspensions and debarments.

Additionally, HUD enforcement actions may also result from material adverse financial or managerial actions or omissions that lead to either an owner default under a FHA-insured mortgage (monetary or technical) or a documented material violation of one or more of the obligations under the property's Regulatory Agreement.

Eligible families are usually assisted with regular vouchers that HUD issues to the PUNTA GORDA HOUSING AUTHORITY in the above circumstances because families must move to receive housing choice voucher assistance.



The PUNTA GORDA HOUSING AUTHORITY will not approve an assisted tenancy at a property if HUD has informed the PUNTA GORDA HOUSING AUTHORITY that the owner is debarred, suspended, or subject to a limited denial of participation.

Furthermore, the PUNTA GORDA HOUSING AUTHORITY may disapprove owner participation in the housing choice voucher program for a number of other grounds described in the housing choice voucher program regulations and previously set forth in this Administrative Plan. HUD encourages the PUNTA GORDA HOUSING AUTHORITY to disapprove a tenancy for any of these grounds in a case where vouchers are provided because HUD is taking an enforcement action against an owner.

In a few situations, families assisted under a Section 8 project-based HAP contract that is being terminated may be able to remain at the property. For instance, if the property is in good physical condition and the owner decides to turn the property over to new ownership, it may be possible for the eligible families assisted under the terminating contract to receive housing choice voucher assistance at the property. In such a case, the project-based families would qualify for enhanced vouchers. (HUD will make the determination whether enhanced or regular voucher assistance is appropriate.)

#### **28.5 HUD PROPERTY DISPOSITION**

When HUD is selling the property at a foreclosure sale, or is the mortgagee-in-possession or owner of the multifamily property due to an owner default of an FHA-insured mortgage and closing down the property or selling property to a new owner, it will supply regular housing choice vouchers to assist eligible low-income families.

### **29.0 COST SAVING POSSIBILITIES**

Unfortunately, in recent years the management of the Housing Choice Voucher Program has become more difficult for the PUNTA GORDA HOUSING AUTHORITY and all other housing authorities managing the program. As Congress and HUD change the way they fund the program, more and more challenges face the PUNTA GORDA HOUSING AUTHORITY.

There are no simple solutions to the challenges the PUNTA GORDA HOUSING AUTHORITY faces and the actions we must take will vary depending on circumstances that are often beyond our control. Therefore, the PUNTA GORDA HOUSING AUTHORITY hereby establishes in its Administrative Plan the following options that will be considered by the Board of Commissioners depending on the particular circumstances of the time. They are not listed in any particular order.

None of these options will be implemented without Board of Commissioner approval and the opportunity for affected participants to address the Board of Commissioners. Any actions taken under this section of the Administrative Plan will sunset if and when the procuring reason for the action is no longer in effect. Rescissions will also require Board of Commissioner approval.

There shall be one basic principle that will guide the PUNTA GORDA HOUSING AUTHORITY in implementing any or all of these options – what must the PUNTA GORDA HOUSING AUTHORITY do to assist the maximum number of eligible people in a quality Housing Choice Voucher Program while maintaining the fiscal integrity of the program. The PUNTA GORDA HOUSING AUTHORITY shall endeavor to protect elderly and disabled families from significant impact (defined as loss of one’s Housing Choice Voucher) but recognizes that what is feasible is dependent on the amount of funding provided to the program.

The options are as follows:

- A. The Housing Choice Voucher Payment Standards may be reviewed in light of the funding situation. If payment standards are reduced, the lower payment standard shall go into effect immediately for new admissions, participants moving from one unit to another, and people staying in place who require a new HAP contract because they are signing a new lease. In extraordinary circumstances, the PUNTA GORDA HOUSING AUTHORITY may be forced to ask HUD for a waiver so that even those participants staying in place without a new lease shall have their payment standard decreased immediately instead of the normal second regular reexamination after the lowering of the payment standard.
- B. Housing Choice Voucher Payment Standards must be established according to HUD regulation so that no more than 40% of the participants are paying more than 30% of their monthly adjusted income for rent. If circumstances dictate it, the PUNTA GORDA HOUSING AUTHORITY may be forced to ask for a waiver of this prohibition in order to sufficiently lower its payment standard.
- C. The utility allowance schedule may be reviewed to determine if the utility allowances are too high. If they are too high that means that the participants are being subsidized in an excess manner. The new utility allowance schedule may be placed into effect after a thirty day notice or at a participant’s next reexamination depending on the financial circumstances the PUNTA GORDA HOUSING AUTHORITY finds itself in.
- D. As stated in Section 11.6, utility allowances are supposed to be adjusted annually or sooner if there is a utility rate increase of 10% or more. If circumstances

warrant, the PUNTA GORDA HOUSING AUTHORITY reserves the right to seek a HUD waiver of this regulatory requirement.

- E. If financial circumstances dictate, the PUNTA GORDA HOUSING AUTHORITY may deny portability moves to a higher cost area for its Housing Choice Voucher participants and/or shoppers if the PUNTA GORDA HOUSING AUTHORITY has insufficient funds to pay the higher subsidy amounts and the receiving housing authority declines to absorb the family. While the Board of Commissioners must establish this policy after an examination of the fiscal affairs of the organization, individual denials of portability shall only occur after the PUNTA GORDA HOUSING AUTHORITY has determined that the receiving housing authority will not absorb the family. The denial of absorption shall be documented in that person's file.
- F. If financial circumstances dictate, the PUNTA GORDA HOUSING AUTHORITY may deny the right of a participant to move within the jurisdiction of the PUNTA GORDA HOUSING AUTHORITY to a portion of the jurisdiction that has a higher payment standard than the portion of the jurisdiction the participant currently lives in if the PUNTA GORDA HOUSING AUTHORITY has insufficient funds to pay the higher subsidy amounts.
- G. In order to ensure that rent reasonableness requirements are being complied with, the PUNTA GORDA HOUSING AUTHORITY may engage in special rent reasonableness reexaminations. This may be performed on all of the units in the program, a sample of the units in the program, or specifically targeted units that the PUNTA GORDA HOUSING AUTHORITY believes may not be meeting the required rent reasonableness test. If a unit fails the rent reasonable test, the owner must reduce the rent to the reasonable amount after receiving appropriate notice or the HAP contract must be terminated. If the HAP contract is terminated for this reason, the family will be issued a new voucher to find a new abode.
- H. Housing Choice Vouchers issued to families on the waiting list that have not resulted in HAP contracts may be cancelled.
- I. The PUNTA GORDA HOUSING AUTHORITY may be forced to not reissue vouchers surrendered by current participants immediately upon their return to the Housing Authority. Instead, the vouchers may be held in the Authority's inventory in order to avoid dire financial consequences. The amount of time they will be held shall be determined based upon the financial situation of the Housing Authority.
- J. The subsidy standards set forth in Section 6.0 may be reexamined. The size of the unit the Housing Choice Voucher is issued for may need to be reduced. For

example, the current age differential of three (3) years now would apply only when the older child is six (6) years or older or you may use the zero bedroom payment standard for households with only one person.

- K. A program wide study may be conducted to ensure that families are utilizing the proper size Housing Choice Voucher for their current family size.
- L. If the minimum rent is increased under Section 11.5 (B), it can be made the first of the month following the month families are notified of the increase (provided there has been at least a **30-day notice**) instead of at the next reexamination.
- M. The requirement of when families have to report changes of their income as set forth in Section 14.2 may be modified due to the financial pressure facing the PUNTA GORDA HOUSING AUTHORITY. Also, the new rent payment may become effective at the start of the next month provided there has been a **thirty day notice**.
- N. Owners participating in the Housing Choice Voucher Program may be asked to voluntarily reduce the rents they are charging participants in order to assist in the financial solvency of the program. This must be a truly voluntary program.
- O. The absolutely last step the PUNTA GORDA HOUSING AUTHORITY will take to resolve its Housing Choice Voucher financial problems will be to terminate the vouchers of families already receiving assistance. If this becomes necessary, the following sequence shall be used to determine which individual Housing Choice Vouchers are terminated first.
  - 1. Families that have been assisted the longest will be terminated first with the exception of families that are actively participating in and are in compliance with their Family Self Sufficiency contract;
  - 2. Families that are actively participating in and are in compliance with their Family Self Sufficiency contract;
  - 3. Elderly and/or disabled families.

If it becomes necessary for the PUNTA GORDA HOUSING AUTHORITY to terminate Housing Choice Vouchers, the families terminated shall be reinstated onto the program as soon as fiscally and practically feasible. The following readmission sequence shall be utilized.

- 1. Elderly and/or disabled families;

2. Families that are actively participating in and are in compliance with their Family Self Sufficiency contract.
3. Families that were terminated will be readmitted in the order of their termination from the HCV program.

## 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 a participant's 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. An emancipated minor is also considered an adult. An adult must have the legal capacity to enter a lease under State and local law. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State or tribal law.

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

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

**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.

**Business Days:** Days the housing authority is open for business.

**Certificate:** A document formerly 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 child care. 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 participants 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 Housing Choice Voucher Program or is temporarily residing in a shelter for a legitimate reason.

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

**Cooperative member:** A family of which one or more members owns membership shares in a cooperative.

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

**Covered Person:** For purposes of the anti-drug provisions of this policy, a covered person is a resident, any member of the resident's household, a guest or another person under the resident's control.



**Currently engaging in:** With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

**Dating Violence:** Violence committed by a person: (A) who is or has been in a social relationship of 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: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

**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.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitated with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction.

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

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

**Drug-related criminal activity:** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

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

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

**Elderly family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; 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.

**Employment:** Employment for admission preference purposes is defined as:

Employment must be current and have lasted a minimum of **60 calendar days** prior to the time the preference is claimed. The employment must provide a minimum of **20 hours** of work per week for the family member claiming the preference.

The amount of earned income shall not be a factor in granting this preference.

The employment part of this preference is also extended equally to, (1) a family if the head, spouse, or sole member is 62 years of age or older or who is receiving social security or Supplemental Security Income disability benefits or any other payments based on the individual's inability to work and, (2) any family whose head, spouse, co-head or unrelated

partner of head of household is currently a full time student or enrolled in an employment training program.

**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 HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

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

**Fair market rent (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 resident 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 resident 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 form.

**Family Rent to Owner:** In the housing choice voucher program, the portion of rent to owner paid by the family.

**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 or the gross rent minus the amount of the housing assistance payment.

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

**First-time homeowner:** In the homeownership option, a family of which no member owned any present ownership interest in a residence of any family member during the three years before commencement of homeownership assistance for the family. The term "first-time homeowner" includes a single parent or displaced homemaker (as those terms are defined in 12 U.S.C. 12713) who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse.

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

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

**Full-time employment:** Employment that averages at least **30 hours per week**. This can include self-employment as long as the employee earns at least the average of the federal minimum wage over a 30 hour period.

**Full-time student:** A person who is attending school or vocational training on a full-time basis as defined by the institution.

**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).

**Guest:** Means a person temporarily staying in the unit with the consent of a resident or other member of the household who has express or implied authority to so consent on behalf of the resident.

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

**Home:** In the homeownership option: A dwelling unit for which the PUNTA GORDA HOUSING AUTHORITY pays homeownership assistance.

**Homeowner:** In the homeownership option, a family of which one or more members owns title to the home.

**Homeownership assistance:** In the homeownership option, monthly homeownership assistance payments by the PUNTA GORDA HOUSING AUTHORITY. Homeownership assistance payment may be paid to the family, or to a mortgage lender on behalf of the family.

**Homeownership expenses:** In the homeownership option, a family's allowable monthly expenses for the home, as determined by the PUNTA GORDA HOUSING AUTHORITY in accordance with HUD requirements.

**Homeownership option:** Assistance for a homeowner or cooperative member under Sec. 982.625 to Sec. 982.641. A special housing type.

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

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

**Immediate Family Member:** a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.

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

**Imputed welfare income:** The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements, that is nonetheless included in the family's annual income for purposes of determining rent.

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

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

**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.

**Interest in the home:** In the homeownership option:

- a. In the case of assistance for a homeowner, “interest in the home” includes title to the home, any lease or other right to occupy the home, or any other present interest in the home.
- b. In the case of assistance for a cooperative member, “interest in the home” includes ownership of membership shares in the cooperative, any lease or other right to occupy the home, or any other present interest in the home.

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

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

**Law enforcement agency:** The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

**Lease:** A written agreement between an owner and participant for the leasing of a dwelling unit to the resident. 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.

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

**Live-in aide:** A person who resides with 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.

A live-in aide is not a party to the lease.

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

**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.

**Membership shares:** In the homeownership option, shares in a cooperative. By owning such cooperative shares, the share-owner has the right to reside in a particular unit in the cooperative, and the right to participate in management of the housing.

**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 disposal 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 resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received 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.
- d. For purposes of determining annual income under Section 8 Homeownership, the term "net family assets" does not include the value of a home currently being purchased with



assistance under the Section 8 Homeownership Program. This exclusion is limited to the first 10 years after the purchase date of the home.

**Noncitizen:** 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.

**Other person under the tenant's control:** For the purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

**Owner:** Any person or entity, including a cooperative, having the legal right to lease or sublease existing housing. In the anti-drug related Areas of this policy, it means the owner of federally assisted 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 housing choice voucher tenancy, the maximum monthly assistance payment for a family (before deducting the total tenant payment by family contribution). For a housing choice voucher tenancy, the housing authority sets a payment standard in the range from 90% to 110% of the current FMR.

**Permanently absent:** A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

**Person with disabilities:** A person who:

- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to HUD regulations, 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 the ability to live independently could be improved by more suitable housing conditions; or
- C. Has a developmental disability as defined in 42 U.S.C. 6001

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.

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely 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. For purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

**Present ownership interest:** In the homeownership option, “Present ownership option” in a residence includes title, in whole or in part, to a residence, or ownership, in whole or in part, of membership shares in a cooperative. “Present ownership interest” in a residence does not include the right to purchase title to the residence under a lease-purchase agreement.

**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.

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

**Processing Entity:** The person or entity who is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs the processing entity is the responsibility entity.

**Project-Based Assistance Program:** A Section 8 program administered by an Housing Authority pursuant to 24 CFR part 983, as amended by HUD in the Federal Register, Vol. 66, No. 10 on January 16, 2001 *Revisions to PHA Project-Based Assistance Program; Initial Guidance*.

**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:** Housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating funds.

**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 housing choice 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.

**Responsible Entity:**

- A. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based voucher program (24 CFR 983), and the Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;
- B. For all other Section 8 programs, responsible entity means the Section 8 project owner.

**Risk assessment:** In the context of lead-based paint it means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including:

- A. Information gathering regarding the age and history of the housing and occupancy by children under age 6;
- B. Visual inspection;
- C. Limited wipe sampling or other environmental sampling techniques;
- D. Other activity as may be appropriate; and
- E. Provision of a report explaining the results of the investigation.

**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 admission without considering the applicant's waiting list position.

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

**Specified welfare benefit reduction:**

- A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- B. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
  - 1. At the expiration of a lifetime or other time limit on the payment of welfare benefits;
  - 2. Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
  - 3. Because a family member has not complied with other welfare agency requirements.

**Stalking:** to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another 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 the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

**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.

**Statement of homeowner obligations:** In the homeownership option, the family's agreement to comply with program obligations.

**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 housing choice 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.

**Temporarily absent:** A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds **30 calendar days**, the Housing Authority must agree to the absence.

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

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

**Tolling:** see suspension.

**Total tenant payment (TTP):**

- (1) Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
  - a. 30% of the family's monthly adjusted income;
  - b. 10% of the family's monthly income;
  - c. Minimum rent; or
  - d. 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.
- (2) 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 portion of the housing assistance payment that exceeds the amount of the rent to owner. It is only paid when the housing assistance payment exceeds the rent to owner. 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 PHA 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.

**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:** Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Victims of Domestic Violence:** Individuals or families who have been or are being subjected to or victimized by violence by a member of the family or household. The PUNTA GORDA HOUSING AUTHORITY will require evidence that the family has been displaced as result of fleeing violence in the home. Individuals and families are also eligible for this preference if there is proof that the individual or family is currently living in a situation where they are being subjected to or victimized by violence in the home. Evidence or proof may include a Protection from Abuse Order, police report, or written verification that the individual or family is living in an emergency shelter because the individual or family has been subjected to or victimized by violence by a member of the family or household.

- A. Verified actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family or where the family has fled its housing to escape from an abuser.
- B. The actual or threatened violence must have occurred within the past **30 calendar days or be of a continuing nature.**

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced as a result of domestic violence.

The applicant must certify that the abuser will not reside with the applicant unless the Housing Authority gives prior written approval.

The Housing Authority will approve the return of the abuser to the household under the following conditions:

- A. The Housing Authority verifies that the abuser has received therapy or counseling that appears to minimize the likelihood of the recurrence of violent behavior.
- B. A counselor, therapist or other appropriate professional recommends in writing that the individual be allowed to reside with the family.

If the abuser returns to the family without approval of the Housing Authority, the Housing Authority will deny or terminate assistance for breach of the certification.

If the family requests it, the PUNTA GORDA HOUSING AUTHORITY will try to ensure that the new location of the family is concealed.

**Violent criminal activity:** Means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

**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 states the obligations of the family under the program.

**Voucher holder:** A family holding a housing choice 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, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

- A. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
- B. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).

Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.

The term “assistance” excludes:

- A. Nonrecurrent, short-term benefits that:
  - 1. Are designed to deal with a specific crisis situation or episode of need;
  - 2. Are not intended to meet recurrent or ongoing needs; and
  - 3. Will not extend beyond four months.
- B. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- C. Supportive services such as child care and transportation provided to families who are employed;
- D. Refundable earned income tax credits;
- E. Contributions to, and distributions from, Individual Development Accounts;
- F. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and

other employment-related services that do not provide basic income support; and

- G. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

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

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

**Written notification:** All written notifications required in this policy shall be hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.

## ACRONYMS

ACC	Annual Contributions Contract
CACC	Consolidated Annual Contributions Contract
CFR	Code of Federal Regulations
FMR	Fair Market Rent
FSS	Family Self Sufficiency (program)
HA	Housing Authority
HAP	Housing Assistance Payment
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PBC	Project-Based Certificate (program)
QHWRA	Quality Housing and Work Responsibility Act of 1998
PHA	Public Housing Agency
TTP	Total Tenant Payment