



U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Lakeland Housing Authority

PHA Plans

Annual Plan for Fiscal Year 2016

Lakeland Housing Authority
PHA Annual Plan for the Fiscal Year Beginning
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- A. Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5- Year Plan.
- B. Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of —significant amendment‡ and —substantial deviation/modification.

Required Submission for HUD Field Office Review:

1. Form HUD-50077, PHA Certifications of Compliance
2. Form HUD-50070, Certification for a Drug-Free Workplace
3. Form HUD-50071, Certification of Payments to Influence Federal Transactions
4. Form SF-LLL, Disclosure of Lobbying Activities
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Lakeland Housing Authority

PHA Annual Plan for the Fiscal Year Beginning Section 6.0 - HUD-50075: PHA Plan Update

The following section identifies which PHA Plan elements have been revised by the PHA since its last Annual Plan submission, as shown below.

Plan element	Revised	Not Revised
1) Eligibility, Selection and Admissions Policies, including De-concentration and Wait List Procedures		X
2) Financial Resources		X
3) Rent Determination		X
4) Operation and Management		X
5) Grievance Procedures		X
6) Designated Housing for Elderly and Disabled Families		X
7) Community Service and Self-Sufficiency		X
8) Safety and Crime Prevention		X
9) Pets		X
10) Civil Rights Certification	X	
11) Fiscal Year Audit	X	
12) Asset Management	X	
13) Violence against Women Act		X

Statements regarding the specific revisions in each Plan element that have occurred since the last PHA Plan submission on October 2013 are furnished further below.

The specific location(s) where the public may obtain copies of the Annual PHA Plan are:

- LHA main administrative offices:
430 Hartsell Avenue
Lakeland, FL 33815
- All LHA Property Management Offices

1.0	PHA Information PHA Name: <u>Lakeland Housing Authority</u> PHA Code: <u>FL011</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>01/2016</u>				
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: <u>317</u> Number of HCV units: <u>1535</u>				
3.0	Submission Type <input type="checkbox"/> 5-Year and Annual Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)				
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program
					PH HCV
	PHA 1:				
	PHA 2:				
	PHA 3:				
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.				
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: To provide quality, affordable housing and self-sufficiency opportunities in an effective and professional manner.				
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next year. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous Annual Plan. <i>Goal #1: Increase the number of affordable housing units by at least 30%.</i> <i>Goal #2: Maintain the high performing status in Public Housing and Section 8.</i> Maintain a public housing vacancy rate of 2% or less. Maintain an average work order response time of less than three days. Collect at least 97% of the rent and other charges excluding fraud recovery and major tenant abuse due to LHA. Reduce utility usage (including water) by 25% by December 31, 2017. Maintain a Section 8 lease-up rate of at least 98% while not exceeding HUD limitations. Continue and improve task tracking / management by objectives. Enhance internal operations to reduce costs, improve efficiencies, and become even more effective and professional. <i>Goal #3: Maintain and improve our public image through enhanced communication, coordination, and accountability with outside entities, among the staff and with residents.</i> The Executive Team will continue to meet annually with the Resident Advisory Board and other residents in a variety of forums to provide the opportunity for input and feedback about agency operations. Utilize technology to continue improving our public image. For example, double the annual number of hits on the LHA website by December 31, 2016.				

	<p>Goal #4: Be the premier innovative and effective affordable housing provider in Florida.</p> <p>Develop and build 48 Near Elderly (Over 55) Public Housing Units in the Williamstown 3 acres vacant lot using the HOPE VI grant which will allow LHA to close out the HOPE VI grant by June 30, 2017.</p> <p>Apply for additional housing choice vouchers as they become available.</p> <p>Seek out new funding opportunities as they become available including but not limited to RAD. Develop and build new communities in all LHA owned land or parcels and re-develop the West Lake Apartments community, Carrington Place and Renaissance at Washington Ridge.</p> <p>Program Eligibility Regardless of Sexual Orientation, Gender Identity or Marital Status as Required by HUD's Equal Access Rule pursuant PIH 2014-20.</p> <p>Partner with the Lakeland Polk Housing Corporation and other housing providers to increase the availability of affordable housing in its jurisdiction by 300 units by December 31, 2017.</p> <p>Assist at least 11 families into homeownership through the Public Housing Homeownership Program, the HOPE VI Program, or other programs by December 31, 2016.</p> <p>Incorporate non-traditional entrepreneurial methods and practices that positively impact affordable housing in LHA's jurisdiction.</p> <p>Incorporate financially feasible Green and Sustainability Best Practices in all future developments.</p> <p>Obtain at least \$100 million in grants and/or leveraging from all sources by December 31, 2016.</p> <p>Goal #5: Increase and encourage the self-sufficiency efforts of all residents.</p> <p>Increase the usage of LHA educational and computer literacy programs by 25% by December 31, 2016.</p> <p>Substantially increase the number of LHA seniors and people with disabilities using LHA sponsored programs by December 31, 2016.</p> <p>Goal #6: Maintain a high level of employee relations and morale.</p> <p>Enhance lines of communications through staff meetings and other necessary internal communications to provide updates and progress reports about agency activities.</p> <p>Continue to reward performance through the timely implementation of a performance management system.</p> <p>Encourage and support staff partaking in training and continuing education opportunities to the greatest degree possible within funding constraints.</p> <p>Conduct an annual employee satisfaction survey.</p> <p style="text-align: center;">Violence Against Women Act Report</p> <p>A goal of the Lakeland Housing Authority is to fully comply with the Violence Against Women Act (VAWA). It is our objective to work with others to prevent offenses covered by VAWA to the degree we can.</p> <p>The Lakeland Housing Authority provides or offers the following activities, services, or programs, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>We refer people to the Peace River Center and/or the Gulf Coast Community Care.</p> <p>The Lakeland Housing Authority provides or offers the following activities, services, or programs that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing.</p> <p>We offer a point preference for admission to public housing. We refer people to the Peace River Center and/or the Gulf Coast Community Care.</p> <p>The Lakeland Housing Authority provides or offers the following activities, services, or programs to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.</p>
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	<p>We have as good a security system as possible including security cameras at most family sites.</p> <p>The Lakeland Housing Authority has the following procedures in place to assure applicants and residents are aware of their rights under the Violence Against Women Act.</p>
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	We brief all new participants of their rights prior to entering the program and are always available for private consultations on their rights and responsibilities under VAWA.
6.0	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p style="text-align: center;">Plan element 1: Our ACOP and Administrative Plan have been amended to comply with HUD required changes.</p> <p>Section 6.0 - Item #1 / Eligibility, Selection and Admission Policies, including De-concentration and Wait List Procedures</p> <p>This section describes the LHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both Public Housing (ACOP), Housing Choice Voucher (HCV formerly S8); and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.</p> <p>Revised: ADMISSION & CONTINUED OCCUPANCY POLICY (ACOP)</p> <p>The following chapters were revised.</p> <p>Section 4-II.B. ORGANIZATION OF THE WAITING LIST was revised to include The Manor at Washington-Ridge-Near Elderly/Senior as one of the properties where LHA will maintain site-based waiting lists. Additionally, the number of preferences was reduced from 10 items down to three (3) items: 1.) Absence of Proscribed Crime (15 points), Working Family (50 points), and Absence of a Misdemeanor (5 points).</p> <p>Section 16-II.B. FLAT RENTS [24 CFR 960.253(b)] ESTABLISHING FLAT RENTS was updated to include language contained in the Changes to Flat Rents Requirements – 2014 Appropriations Act.</p> <p>Revised: ADMINISTRATION - Housing Choice Voucher Program (Formerly Section 8)</p> <p>The following chapters were revised to include new rules and regulations required by HUD.</p> <p>Section 5.2 PREFERENCES – no changes from 2015.</p> <p>Section 5.3 SELECTION FROM THE WAITING LIST was not changed and it is consistent with the preferences outlined by Section 5.2 above.</p>
	<p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.</p> <p style="text-align: center;">From the Central Office at 430 Hartsell Ave, at each of the AMP Offices and on the Web Site.</p>
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i></p> <p>See Attachments</p>
8.0	Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.
8.1	Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> , form HUD-50075.1, for each current and open CFP grant and CFFP financing.
8.2	Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i> , form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. See HUD Form 50075.2 approved by HUD on 01/13/2015.
8.3	<p>Capital Fund Financing Program (CFFP).</p> <p><input checked="" type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>

2. Financial Resources

This section lists the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. **Revision:** Updated table of financial sources and uses below.

Financial Resources: Planned Sources and uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY2016 grants)		
a) Public Housing Operating Fund	\$1,070,166	PH Development/ Modernization/ Job Readiness
b) Public Housing Capital Fund	\$345,575	Modernization
c) Annual Contributions for Section 8 Tenant-Based Assistance	\$8,070,000	
d) Resident Opportunity and Self-Sufficiency Grants	\$0	PHFSS / HCVFSS
Other Federal Grants (list below)		
RHF Funds 2016	\$187,612	PH Development
2. Prior Year Federal Grants (unobligated funds only) (list below)		
CFP 2015	\$345,575	Modernization
CFP 2014	\$324,200.50	Modernization
CFP 2013	\$73,036.94	Modernization
CFP 2012	\$21,857	Modernization
CFP 2011	\$0	Modernization
RHF 2009	\$431,912	PH Development
RHF 2010	\$441,385	PH Development
RHF 2011	\$380,321	PH Development
RHF 2012	\$256,146	PH Development
RHF 2013	\$271,433	PH Development
RHF 2014	\$185,710	PH Development
RHF 2015	\$187,612	PH Development
URP/HOPE VI	\$1,934,034	Modernization/ PH Development
DOL YouthBuild	\$997,492	YouthBuild Program
Family Self-Suff.Coord.Grant (Sec.8 HCV and Public Housing combined)	\$104,856	Resident Services
Dept of Education Funds		Resident Services
3. Public Housing Dwelling Rental Income	\$290,000	PH
4. Other income (list below)		
Administrative Reserve Interest	\$50	Section 8
Investment Income	\$1,680,000 Unaudited	PH
Entrepreneurial Activities	\$0.00	PH & Section 8

Program Income	\$0.00	PH
Total resources	\$17,598,972	

The authority will utilize RAD, Historic Tax Credits, and Sales Proceeds from disposition of land, and 4% and/or 9% LIHTC for planned revitalization and modernization activities in addition to various types of bonds and creative financing options which may include, but is not limited to, efforts in Cecil Gober Villas, West Lake Apartments, and Renaissance at Washington Ridge or Carrington Place.

3. Rent Determination

Detailed language regarding rent determination for both the Low Income Public Housing (LIPH) program and the Housing Choice Voucher Program (HCVP) can be found in the Admissions and Continued Occupancy Policy (ACOP) and the HCVP Administrative Plan. Both documents are available upon requests at all administrative offices and housing development locations

4. Operation and Management

This section provides a description of the programs of LHA, and a statement of the rules, standards, and policies of the PHA governing maintenance, management of housing owned, assisted, or operated by LHA, including measures necessary for the prevention or eradication of pest infestation, including cockroaches and other issues.

Revision: Updated program table shown below.

Program Name	Units or families served at beginning of FY 2015	Expected turnover
Public Housing	317	Add 48
Section 8 Vouchers	1263	52
Section 8 Mainstream	45	0
Family Self-sufficiency Program (PH and HCV)	120	Add 50
PH ROSS Program	0	0

Revised:

Section 2-1.B.NONDISCRIMINATION was revised to reflect requirements as outlined by PIH Notice 2014-20.

Section 4-II.B. ORGANIZATION OF THE WAITING LIST – No changes

Section 16-II.B. FLAT RENTS [24 CFR 960.253(b)] ESTABLISHING FLAT RENTS was updated to include language contained in the Changes to Flat Rents Requirements pursuant PIH Notice 2014-12 (HA)– 2014 Appropriations Act.

Revised:

ADMINISTRATION - Housing Choice Voucher Program

(Formerly Section 8)

The following chapters were revised to include new rules and regulations required by HUD.

Section 1.1 FAIR HOUSING was revised to reflect requirements as outlined by PIH Notice 2014-20.

Section 5.2 PREFERENCES was revised to remove four (4) of the 10 preferences.

Section 5.3 SELECTION FROM THE WAITING LIST was changed to be consistent with the preferences outlined by Section 5.2 above.

Section 12.0 INSPECTION POLICIES, HOUSING QUALITY STANDARDS, AND DAMAGE CLAIMS was updated to reflect requirements as outlined by PIH Notice 2013-17.

5. Grievance Procedures

LHA's Tenant Grievance Procedure is provided to assure that any Housing Authority resident has the opportunity for a hearing if that resident disputes within a reasonable time any LHA action or failure to act which involves that resident's lease with the LHA or any LHA regulations which adversely affect that individual resident's rights, duties, welfare, or status. This policy document is available upon requests at all administrative offices and housing development locations. The HCVP program gives participant families an opportunity for an informal hearing to consider whether HCVP decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and HCVP policies. The informal hearing is detailed in Chapter 16- Program Administration.

6. Designated Housing for Elderly and Disabled Families

No Revisions

7. Community Service and Self-Sufficiency

The Community Service and Self-Sufficiency Requirement is mandated by Congress as a part of the Quality Housing and Work Responsibility Act of 1998. This law requires that all public housing adult tenants contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes and other activities which help an individual toward self-sufficiency and economic independence, or a combination of both, as a condition of receipt of Federal Housing assistance. Under this provision of law, noncompliance with the community service and self-sufficiency requirement is a violation, and is grounds for non-renewal of the lease at the end of a 12 -month term. This requirement is stated in the dwelling lease signed with all tenants of Lakeland Housing Authority (LHA).

LHA requires tenants to verify compliance annually, at least 30 days before the expiration of the lease term. Self-certification by tenants is not acceptable; third party certification must be provided by the entity where the tenant is performing the service.

Family Services and Community Relations - Statement of Family-Self Sufficiency Programs

Introduction

The Resident Services department provides information, referral services and programs that promote self-sufficiency among our most important customers—our residents.

Focusing on total well-being, the department employs a holistic approach. The program activities and services offered support positive lifestyle changes while promoting resident personal and economic independence. Following is a listing of programs, services and the partner network that supports the Resident Services department in moving residents to self-sufficiency.

Family Self-Sufficiency Program

The Family Self-Sufficiency Program (FSSP) was established by the Department of Housing and Urban Development (HUD). FSSP offers residents of public housing the opportunity to enroll in a program that would assist them in their efforts towards obtaining economic self-sufficiency. Participants can be enrolled in the program for five years. The program includes assessment of needs, planning, goal setting, and resource referrals and case management services. This program provides participants the opportunity to establish a savings (escrow) account while enrolled. The participant cannot deposit any of their own money into this account. Money is added to the account when the participant has an increase in earned income, which in turn causes an increase to their rent. Once the participant has obtained all program goals, they will be issued a check for the amount in the account. This money can be used toward further education, purchase of a car, homeownership or any other way in which the participant elects.

LHA and Partners Youth Programming

Through the LHA YouthBuild (YB) and various partner agencies, LHA provides an array of opportunities for youth and disadvantage adults to engage in programming and training.

The YB provides young adults (ages 18 to 24) opportunities to participate in a variety of traditional trades and cultural-related activities while receiving intensive case management services. Not only does participation in the program deter negative behavior by providing opportunities for them to interact positively with persons from across the city and with positive adult mentors, but it also helps participants to gain leadership skills as they aspire to reach their fullest potential.

LHA coordinates with partners to offer activities such as: Trips for the seniors and disabled residents, etc. Additionally, LHA raises funds to provide college scholarships to graduating high school students. We provide transportation for all of our programs.

LHA partner agencies such as the Department of Parks, Recreation and Community Facilities, Department of Justice Services, Polk County Job Agency, Boys and Girls Club, the Lakeland Police Department, Veterans Department, NAACP, and Kid House offer various other after-school and summer programming to LHA residents.

Adult Workforce Development Services

The Polk County workforce office offers a wide range of free professional development and life skill services for residents. LHA sponsors GED classes held on site in all the public housing family communities and also offers assistance with classes' offsite.

A variety of workshops are offered by the Family Self Sufficiency Coordinators and partners that address issues and gaps that our residents may face in their personal and professional lives. Workshop topics include parenting, relationships, communication, problem solving, budgeting, resume writing, dressing for success, basic computer skills, and interviewing, leadership, mentoring, education, and health and wellness.

Elderly Services

Elderly Services are designed to enable our senior residents 62 and older to remain independent in their homes for as long as possible. We offer social, educational, safety and life enrichment activities/programs to keep residents healthy and active within their community.

Services include but are not limited to:

- Our Family Self Sufficiency Staff help every community to assess needs and link residents with community resources
- Coordination and assistance with health and community referrals to services
- Facilitation of group and family meetings
- Technical support to Elderly Resident Advisory Councils and other resident programs
- Monthly shopping to Wal-Mart, Dollar Tree stores and other locations
- Exposure to an array of artistic and cultural events/activities
- Wellness and nutrition workshops and presentations

LHA has enacted the following discretionary policies in the following areas to enhance the economic and social self-sufficiency of assisted families:

- Public housing rent determination policies
- Public housing admissions policies
- Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- Preference/eligibility for section 8 homeownership option participation
- Preference/eligibility for public housing homeownership option participation

FAMILY SELF-SUFFICIENCY (FSS) PROGRAM PARTICIPATION

Program	Required number of participants (Start of FY 2015)	Actual numbers of participants (As of 01/31/ 2015)
Public Housing	50	50
Section 8	50	59

8. Safety and Crime Prevention

This section describes LHA's plan for safety and crime prevention for the public housing areas. This includes; (i) A description of the measures needed to ensure the safety of the residents; (ii) A description of crime prevention measures to be conducted by or to be conducted by the Housing Authority; and (iii) A description of the coordination between the LHA-PD and the other law enforcement agencies in the area.

A. The needed measures to ensure the safety of housing residents and guests.

- LHA's acknowledgement for the:
 - Potential of drug related crimes in some areas
 - Potential for violent crimes in some areas
 - Residents fearful for their safety, and that of their family and guests.

The following data is used to help in determining an action plan for the LHA-PD to help to improve the safety of the housing community.

- Analysis of crime statistics of crime in and around the housing communities.

- Residents reports of criminal activities.
- Housing Authority employee reporting suspicious activity
- The LHA-PD future Hot-Line.
- On-going investigations of criminal activity.

B. Crime and Drug Prevention activities that have been implemented and the continued development of new measures.

- Crime Prevention through education provided by the Community Officer and others.
- Target known high risk areas.
- The utilization of the Housing Residents Association (RAB) to focus on problem areas.
- To continue to work with the property managers under the Tough on Crime program to assist in removal of problem tenants.

The Lakeland Housing Authority and the Lakeland Police Department continues to stress the importance of the resident's involvement in crime prevention, and encourages the residents to participate in attending the community meeting for the open lines of communication with the police agencies.

LHA will oversee the administration of security within LHA elderly and/or family developments, facilities and community spaces and the fleet management of all LHA owned and/or operated vehicles.

9. Pets

Residents of low income housing developments are permitted to keep pets with written permission from LHA and in accordance with LHA's Pet Policy. The privilege may be revoked at any time subject to LHA's Pet Policy if the animal becomes destructive, a nuisance, or a health or safety hazard to other residents. Details of the LHA pet policy are available at all administrative offices and housing development offices.

10. Civil Rights Certification

LHA certifies its compliance with Civil Rights and Fair Housing requirements.

11. Fiscal Year Audit

The completed fiscal audit for the fiscal year ending 12/31/2013 was submitted to HUD by September 2014. The Authority is underway with its latest audit for the fiscal year ended 12/31/2014. The Financial Data Schedule was submitted to HUD in February 2014. The completed fiscal audit for fiscal year ending 12/31/2014 will be submitted to HUD by August 2015.

The latest available audited financial statements are available on the Authority's website.

12. Asset Management

This section provides a statement of how the agency administers its asset management functions with respect to the public housing inventory within the authority, including the long-term operating, capital investment, rehabilitation, modernization, disposition, and other regulatory requirements.

LHA continues to implement and monitor the Asset Based Management required by federal regulation. Implementation has required continued evaluation of the effectiveness of centralized support services. LHA's business system (YARDI has been replaced with a new software system called Emphasys) provides site managers with a variety of reports required for effective management. Additionally, LHA will start re-training its staff to meet all HUD requirements.

The Authority will implement multiple strategies to include disposition and demolition of properties within the portfolio due to the numerous challenges in maintaining certain units, the expense associated in rehabilitation, and current economic conditions. Data from the 2013 Green Physical Needs Assessment will be referenced to determine priorities for reposition and revitalization to transform the public housing inventory de-concentrate poverty and promote healthy and stable communities.

LHA will use Capital Fund Grant monies to improve management efficiencies: increase occupancy rates by providing public safety services and reducing the amount of turn time; engaging in employee training and development that supports effective property management and program administration; improve and enhance Section 3 opportunities; review and assess ways to improve energy efficiency; strengthen LHA's redevelopment services and capacity, address work identified through REAC inspections for continued improvement as evidenced by the 2014 REAC inspection scores.

The Authority will conduct cost-effective operations to ensure financial viability, explore opportunities to improve efficiency and comply with program standards within its Asset Management Projects (AMPs).

13. Violence Against Women Act (VAWA)

The **Violence Against Women Reauthorization Act of 2013 (VAWA 2013)** has been enacted to extend protections for VAWA-covered violence against women or men, as well as people in same-sex relationships, Native Americans, and illegal immigrant victims of domestic violence.

In an effort to enhance the safety of the applicant/resident, LHA will work with service providers to offer case management services to those in need. LHA will offer training to various groups of

LHA staff: those responsible for determining an applicant's eligibility for housing; those at the housing developments or HCVP responsible for overseeing resident continued occupancy; and Resident Services staff involved in intervention. Their training will educate staff on how to obtain information needed from the applicant/resident/participant who is seeking protection under VAWA and make appropriate referrals to agencies that have been identified as offering assistance to such victims. Resident Advisory Board (RAB) members and other key resident leadership will also receive training on how to help victims get connected with services when an actual or threatened domestic abuse incidents occur.

The LHA will notify all current residents of public housing that the provisions of VAWA have been adopted in its policy documents and that they should contact their manager in the event they are a victim of or are facing lease violations for an actual or threatened domestic abuse event. All applicants will receive a certification form with their application packet that will offer them the opportunity to make LHA aware that they are or have been a victim of an actual or threatened domestic violence incident that may impact their application for housing.

The aforementioned provisions will be incorporated into LHA's Administrative Plan and Admissions and Continued Occupancy Policy.

Section 7.0 - HUD-50075: PHA Plan Update HOPE VI or Mixed Finance Modernization or Development

LHA goal is to transform its entire public housing portfolio into mixed-income communities over the next 5 to 40 years, in an effort to reposition the agencies' public housing assets into better performing developments that are competitive in the marketplace as well as improve their physical and social conditions.

For over twenty years LHA's Development Department has been responsible for creating economic development opportunities in the City of Lakeland as well as redeveloping challenged neighborhoods that have not been invested in and neglected for some time. LHA and/or its subsidiary entity(s) plans to either partner with other developers or self-develop its properties using HUD's mixed- finance approach.

LHA envisions a range of options that will be employed to achieve its goal to transform its portfolio which may include but not be limited to: modernization of existing public housing units; demolition of selected units and construction of new units; introduction of market rate and for-sale units; acquisition and development of new units in, around and outside of LHA properties; and wholesale redevelopment of its public housing communities.

LHA anticipates applying for additional Low Income Housing Tax Credits (LIHTC). More specifically LHA plans to submit applications for the next rounds of the Florida Housing Finance Corporation LIHTC application season, for our Public Housing Developments in the coming year(s).

In an effort to expedite the closure of its 10 plus year old HOPE VI Grant, LHA plans to request another amendment to the Revitalization Plan and make associated budget revisions as required. LHA is working with its on-call architectural and engineering firms on the following options for closeout of the grant:

1. **Renaissance at Washington Ridge:** Using the HOPEVI grant to complete development of the 15 vacant lots remaining on the HOPE VI site. Plans include using RHF funds for from fiscal years (FY) 2009 – 2013 and/or HOPE VI funds to construct residential housing units at the 15 vacant lots. With this option all units would be designated as public housing and restricted to families earning at or below 80% area median income.
2. **Micro-Cottages:** LHA has an approximately 3 acres of land at Williamstown Boulevard. The authority is seeking to develop 48 affordable housing units and a community building with a combination of RHF funds from FY 2009 – 2014 and/or HOPE VI funds.
3. **Cecil Gober (Aging-In-Place) Modernization:** This community consists of 37 near elderly/senior units. The GPNA that was performed for the site supports modernization of the site. As part of the modernization, LHA is seeking to correct deficiencies outlined by the GPNA as well as reconfigure the units so the seniors living within the community can age in place.

LHA will dispose of the 4.33-acres of land at the intersection of N. Florida Avenue and W. Tenth Street to a third party developer. The sales proceeds will be used to develop, acquire, and/or modernize affordable housing units at properties owned and/or controlled by LHA or its affiliates.

LHA plans to submit a mixed-finance application/proposal using the HOPE VI Program to HUD and will pursue the construction of new public housing units using accumulated first and second increment Replacement Housing Factor (RHF) funds leveraged with public and private sources.

Any balance of remaining Second Increment RHF funds received to date, along with future RHF grant funding, will be accumulated and used for the potential redevelopment of LHA's other public housing communities and/or for other projects under the mixed- finance development approach. Additional acquisitions of vacant land or other existing rental properties, adjacent to current public housing sites may also be initiated, subject to submission and approval by HUD of the appropriate development proposals.

Other mixed-finance transactions (via acquisition or new construction or both) may be proposed later in the Plan year commensurate with the LHA Strategic Plan. Financing may include use of regular Capital Funds and/or HUD's Capital Fund Financing Program (CFFP). CFFP/RAD involves borrowing against future flow of annual Capital Funds.

LHA plans to pursue public housing development activities and will utilize its Development Department and/or other subsidiary entities for development, financing, and the formation of a variety of ownership structures as well as utilize its management entity for the operation of public and non-public housing programs.

The Authority intends to use Capital Funds and other public and private funds to redevelop the family and elderly developments. LHA will either self-develop or partner with a master developer for Westlake Apartments and conduct a community engagement process to arrive at a master plan for redevelopment. LHA is also seeking a partner with extensive experience in developing and operating affordable housing. The proposed project will either be located on the 10.56-acre site located on W. 10th Street or at the 17.06-acre site at Hunter field PUD (Arbor Manor). LHA also intends to use Capital Funds and other funds to acquire and redevelop properties in and around its public housing communities.

Demolition and/or Disposition

This section describes whether HUD-approved applications by LHA to demolish or dispose (sell) public housing projects owned by LHA and subject to Annual Contributions Contracts (ACCs), or pending applications for demolition or disposition, have changed during the current plan year.

In such cases, LHA would be required to describe the housing and the number of affected units for which it will apply or has pending for demolition or disposition; and provide a projected timetable for the demolition or disposition. Information on planned and pending demolition and/or disposition efforts is provided in the following tables.

LHA has been working with a resident advisory committee to define a strategy for the Cecil Gober rehabilitation project, the West Lake Apartments disposition and the Section 32 Public Housing Homeownership program. The Section 32 disposition plan for the 11 houses at Hampton Hills was approved by the Special Application Center in November 2013. The implementing agreement was executed in March 2014. LHA will amend the agreement as needed to implement the strategy. Individual houses within the Hampton Hills community may be sold to qualified residents, retained as public housing or sold to third parties in accordance with the strategy and HUD regulations.

LHA will include the vacant lots in this process as well. Specifically, the Authority plans to amend its disposition application for the 4.33-acres of land at the intersection of N. Florida Avenue and W. Tenth Street to allow for disposition to a third party developer. Additionally, LHA plans to submit a disposition application for the 17.3-acre tract within the Hunter field Planned Unit Development and the land located on the 10.56-acre site on W. 10th Street. The sales proceeds from both properties will be used to develop, acquire, or modernize affordable housing units at other properties owned and/or controlled by LHA or its affiliates.

Table #1 Demolition/Disposition/Modernization Activity Description

- 1a. Development name: Hampton Hills Houses
- 1b. Development (project) number: FL01100004
- 2. Activity type: Demolition
Disposition X
- 3. Application status (select one)
Approved X

Submitted, pending approval

Planned application

4. Date application **approved**, submitted, or planned for submission: 11/14/2014

5. Number of units affected: 11

6. Coverage of action (select one)

Part of the development

Total development: X

7. Timeline for activity: 48 months

a. Actual or projected start date of activity: 7/1/2012

b. Projected end date of activity: 12/31/2017

Note*: Project is maybe under a Rental Assistance Demonstration application

Table #2 Demolition/Disposition/Modernization Activity Description

1a. Development name: West Lake Apartments

1b. Development (project) number: FL01100001

2. Activity type: Demolition

Disposition: X

3. Application status (select one)

Approved

Submitted, pending approval

Planned application X

4. Date application approved, submitted, or planned for submission: 1/31/16

5. Number of units affected: 120

6. Coverage of action (select one)

Part of the development

Total development: X

7. Timeline for activity:

a. Actual or projected start date of activity: 1/01/2011

b. Projected end date of activity: 12/31/2017

Note*: Project is maybe under a Rental Assistance Demonstration application

Table #3 Demolition/Disposition/Modernization Activity Description

1a. Development name: Cecil Gober Villas

1b. Development (project) number: FL01100001

2. Activity type: Demolition

Disposition

Modernization: X

3. Application status (select one)

Approved

Submitted, pending approval

Planned application: X

4. Date application approved, submitted, or planned for submission: 12/1/2015

5. Number of units affected: 37

6. Coverage of action (select one)

Part of the development

Total development: X

7. Timeline for activity:

a. Actual or projected start date of activity: 012/01/2015

b. Projected end date of activity: 12/31/2016

Note*: Project is maybe under a Rental Assistance Demonstration application

Table #4 Demolition/Disposition/Modernization Activity Description

- 1a. Development name: Dakota Park Apartments
- 1b. Development (project) number: FL01100002
- 2. Activity type: Demolition
 Disposition
 Modernization: X
- 3. Application status (select one)
 Approved
 Submitted, pending approval
 Planned application: X
- 4. Date application approved, submitted, or planned for submission: 11/01/2015
- 5. Number of units affected: 20
- 6. Coverage of action (select one)
 Part of the development: X
 Total development
- 7. Timeline for activity:
 - a. Actual or projected start date of activity: 01/01/2016
 - b. Projected end date of activity: 11/30/2016

Note*: Project is maybe under a Rental Assistance Demonstration application

Table #5 Demolition/Disposition/Modernization Activity Description

- 1a. Development name: Renaissance at Washington Ridge
- 1b. Development (project) number: FL01100003
- 2. Activity type: Demolition
 Disposition
 Modernization: X
- 3. Application status (select one)
 Approved
 Submitted, pending approval
 Planned application: X
- 4. Date application approved, submitted, or planned for submission: 11/01/16
- 5. Number of units affected: 109
- 6. Coverage of action (select one)
 Part of the development: X
 Total development
- 7. Timeline for activity:
 - a. Actual or projected start date of activity: 01/01/2016
 - b. Projected end date of activity: 06/30/2017

Note*: Project is maybe under a Rental Assistance Demonstration application

Table #6 Demolition/Disposition/Modernization Activity Description

- 1a. Development name: Arbor Manor (Hunter field PUD)
- 1b. Development (project) number: FL01100001
- 2. Activity type: Demolition
 Disposition: X
- 3. Application status (select one)
 Approved

Submitted, pending approval: X

Planned application

4. Date application approved, submitted, or planned for submission: 10/20/2015

5. Number of units affected: 0

6. Coverage of action (select one)

Part of the development

Total development: X

7. Timeline for activity:

a. Actual or projected start date of activity: 12/31/2015

b. Projected end date of activity: 12/31/2017

Note*: Project is maybe under a Rental Assistance Demonstration application

Table #7 Demolition/Disposition/Modernization Activity Description

1a. Development name: W. 10th Street, Lakeland, Polk County, Florida

1b. Development (project) number: FL01100001

2. Activity type: Demolition

Disposition: X

3. Application status (select one)

Approved

Submitted, pending approval

Planned application: X

4. Date application approved, submitted, or planned for submission: 5/15/2015

5. Number of units affected: 0

6. Coverage of action (select one)

Part of the development

Total development: X

7. Timeline for activity:

a. Actual or projected start date of activity: 4/20/2015

b. Projected end date of activity: 12/31/2017

Note*: Project is maybe under a Rental Assistance Demonstration application

Table #8 Demolition/Disposition/Modernization Activity Description

1a. Development name: Vacant Parcel at Washington Park, FL29P011003, HOPE VI Site

1b. Development (project) number: FL01100003

2. Activity type: Demolition

Disposition: X

3. Application status (select one)

Approved

Submitted, pending approval: X

Planned application:

4. Date application approved, submitted, or planned for submission: 11/12/2014

5. Number of units affected: 0

6. Coverage of action (select one)

Part of the development

Total development: X

7. Timeline for activity:

a. Actual or projected start date of activity: 7/21/2014

b. Projected end date of activity: 12/31/2017

Note*: Project is maybe under a Rental Assistance Demonstration application

Conversion of Public Housing

This section describes, with respect to LHA-owned public housing: 1) any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert; 2) the analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion.

LHA will continue to consider in the upcoming years to identify units in its portfolio to be converted where the conversion to project or tenant based vouchers is economically beneficial and will increase housing opportunities. These communities include seeking additional funding authority in the voucher program to increase project based opportunities at elderly and family public housing communities. LHA may also elect to utilize Low-Income Housing Tax Credit equity and others resources to facilitate the conversion of the above mentioned developments.

Homeownership / Real Estate and Community Development

This section describes any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.

Sec. 32 Applications pending approval to date are as follows:

1. Hampton Hills Homes- Approved by SAC on 11/14/2013

LHA may amend the Public Housing Homeownership Initiative Section 32 application to remove certain properties from the application and retain them in the public housing inventory, or otherwise change the homeownership strategies.

Project-Based Vouchers

This section describes the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

When funding becomes available, the Authority plans to use some of its vouchers under the Project Based Vouchers (PBV) option, as described at 24 CFR Part 983. This may be done in one of two ways.

- First, LHA may issue a Request for Proposals from owners wishing to participate in the program. The criteria and procedures for such selections will be described in the RFP and in the LHA's Section 8 Administrative Plan.
- Second, LHA may make non-competitive selections of owners whose projects included a competitive selection of proposals, such as housing assisted under a federal, state, or local government housing assistance, community development, or supportive services program.

The Authority may also submit a proposal under a RFP for units in its public housing portfolio or a property it may acquire under its —redevelopment authority for this purpose. The use of PBV is consistent with the overall PHA Plan which is encouraging the development of affordable mixed-use, mixed-income housing particularly in consort with broader neighborhood revitalization efforts such as the Westlake project.

LHA's PBV criteria and procedures will propose the use of these resources in ways that facilitate achievement of its overall housing goals in general and the mobilization of potential relocation resources in particular, to

address the housing needs of LHA families at developments slated to be redeveloped, including, but not limited to, the Cecil Gober Villas, Dakota Park (Carrington Place) and Westlake Apartments projects and/or other similar situations.

Under the HUD Asset Management Model, some of LHA's developments are not financially sustainable because insufficient Annual Contract Contribution (ACC) subsidy is received from HUD to support their operations. LHA is currently evaluating options for restructuring the properties; possibly seeking to convert these properties to Project- based Section 8 communities.

LHA may project-base units within the Carrington Place Development project.

LHA plans to utilize project-based vouchers for up to 20 units within the final phase of the Renaissance Hope VI Redevelopment project which will begin construction by the end of 2015 and be ready for occupancy in 2016.

Section 8.0 and 8.1

HUD-50075: Capital Improvements Capital Fund Program Annual Statement/Performance and Evaluation Report

This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms.

The Authority continues to comply with HUD's Capital Fund obligation and spending guidelines in efforts to ensure that the aging public housing stock receive on-going repairs that will increase the quality of life for residents and stakeholders.

Additionally, LHA has developed a hierarchy plan determining which developments to modernize or revitalize (whole or in part). These are expected to remain wholly public housing communities for the foreseeable future. LHA has also identified developments targeted for revitalization at some time in the future based upon the availability of funding.

The Authority anticipates applying for various federal (i.e. Department of Transportation) and state grants that will enhance curb appeal, improve safe routes to school and to recreational activities and promote safe neighborhood and family life.

LHA will complete the Capital Fund Program Annual Statement/Performance and Evaluation Report (form HUD-50075.1), *for each Capital Fund Program (CFP)* to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP (RAD);
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP (RAD); and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, LHA will complete the Performance and Evaluation Report section of the Capital Fund Program Annual Statement/Performance and Evaluation (form HUD-50075.1), at the following time as so directed by HUD regulations:

Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

Housing Needs

Housing Needs of Families in the Jurisdiction							
By Family Type							
Family Type	Overall	Affordability	Supply	Quality	Accessability	Size	Location
Income <= 30% of AMI	2361	5	5	5	5	5	5
Income >30% but <=50% of AMI	1929	4	4	4	4	4	4
Income >50% but <80% of AMI	2720	3	3	3	3	3	3
Elderly	2457	4	4	4	4	4	4
Families with Disabilities	15365	5	5	5	5	5	5
Black	1929	5	5	5	5	5	5
Hispanic	2720	5	5	5	5	5	5
Race/Ethnicity							
Race/Ethnicity							

9.0

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

Consolidated Plan of the Jurisdiction/s Indicate year: 2010-2015

U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset

American Housing Survey data Indicate year:

Other housing market study Indicate year:

Other sources: (list and indicate year of information)

B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists
 State the housing needs of the families on the PHA’s waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input checked="" type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/sub jurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	N/A		
Extremely low income <=30% AMI	N/A		
Very low income (>30% but <=50% AMI)	N/A		
Low income (>50% but <80% AMI)	N/A		
Families with children	N/A		
Elderly families	N/A		
Families with Disabilities	N/A		
Race/ethnicity – Black	N/A		

Race/ethnicity – White	N/A		
Race/ethnicity - Indian	N/A		
Race/ethnicity – Asian	N/A		

Characteristics by Bed- room Size (PH Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			

Is the waiting list closed (select one)? No Yes If yes: How long has it been closed (# of months)? 1 week
Does the PHA expect to reopen the list in the PHA Plan year? No Yes
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? No Yes

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
<input type="checkbox"/> Public Housing			
<input type="checkbox"/> Combined Section 8 and Public Housing			
<input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional)			
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	499		45
Extremely low income <=30% AMI	212	42.5	
Very low income (>30% but <=50% AMI)	224	44.9	
Low income (>50% but <80% AMI)	63	12.6	
Families with children	436	87.4	
Elderly families	24	4.8	
Families with Disabilities	39	7.8	
White	83	16.6	
Black	401	80.4	
Asian	0	0	
Other	15	3	

Is the waiting list closed (select one)? No Yes
If yes: How long has it been closed (# of months)? **45 months.**
Does the PHA expect to reopen the list in the PHA Plan year? No Yes
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? No Yes

9.1 Strategy for Addressing Housing Needs. Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.**

Strategy for Addressing Housing Needs

C. Strategy for Addressing Needs
Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency’s reasons for choosing this strategy.

Section 9.1 - HUD-50075: Strategy for Addressing Housing Needs

This section describes LHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year.

Lakeland Housing Authority's (LHA) strategy for addressing the housing needs of families in the jurisdiction and on the waiting list focuses on developing more affordable housing units and building the capacity of individuals and families. LHA will accomplish this by creating developments for persons with special needs who can meet the essential requirements of tenancy with or without a reasonable accommodation, and providing decent and affordable rental housing to serve families as they become self-sufficient.

Along these lines, LHA will explore a broad range of housing opportunities, through the Section 8 program and other resources that may become available through partnerships, focusing on the homeless and veterans, those needing transitional housing, and other households with special needs (e.g., HIV/AIDS, domestic violence, etc.), as identified by LHA and/or the City of Lakeland as described further below.

LHA priorities, through its various programs and services, will provide a means for improving the quality of life and addressing needs that encourage growth and upward mobility. LHA recognizes that achieving homeownership, and obtaining safe and affordable housing is contingent upon meeting many needs of individuals and families. Needs must be met to have an adequate income, to obtain training and education to acquire employment or achieve other goals, to achieve stability and well-being within the household, to have access to recreational opportunities and other areas that promote a healthy environment.

As outlined in the Consolidated Plan, the City of Lakeland's priorities are:

Homeownership Opportunities - To develop and strongly support programs which will provide rehabilitation and assistance to low- and moderate-income homeowners, and which provide homeownership opportunities for all ranges of income, especially for those earning at or below 80% of the Area Median Family Income.

Decent and Affordable Rental Housing - To develop and support activities which provide decent and affordable rental housing for all income ranges, especially for low- and moderate-income residents.

Public Housing Redevelopment & Transformation: The City has committed to providing priority focus in FY 2015-2020 on working with the Lakeland Housing Authority (LHA) to redevelop WestLake Apartments.

Homelessness - The City of Lakeland is a vested implementation partner in our region's Ten Year Plan to prevent and End Homelessness.

Workforce Development - Finding employment for individuals is one of the more important aspects of turning under-resourced neighborhoods into productive communities. Through a collaborative effort with the Polk County Workforce Agency, there will be a push to find, engage, and encourage those individuals that are willing to put in the time and energy to become competitive in the work force through their Polk County Workforce Pipeline initiative.

Through this program, these individuals will receive comprehensive screening and assessment, customized skills training, intensive work readiness activities (such as resume development, communications skills, basic job search techniques, etc.), and mock interview evaluations. One of the recent pushes in our communities is finding ways to connect the unemployed with opportunity.

Housing for Persons with Special Needs - To continue to support safe and affordable housing opportunities and necessary support services to special needs populations, including the elderly, persons with disabilities, and persons with HIV/AIDS throughout the Polk County area.

Other priorities include: Economic Development, Public/Human Services, Public Safety, Public Facilities, and Planning (and Administration).

	<p>The LHA Agency Plan is consistent with the Consolidated Plan of the City of Lakeland as evidenced by several goals identified in the five-year plan, and strategies and proposed activities of the annual plan:</p> <p>Specifically, LHA will implement affordable housing opportunities and develop mixed-income programs through HOPE VI partnering and self-developing, single-family homeownership, and market-rate single-family housing. For qualified Family Self-Sufficiency Program participants, homeownership opportunities exist to assist public housing and housing choice voucher families to transition/prepare for homeownership opportunities. Training for participants, available through partnerships, includes homeownership education and counseling, credit and budgeting, money management, basic banking, landscaping, preventive maintenance, and homebuyer's education.</p> <p>Additional goals are consistent with the Consolidated Plan's priorities for decent and affordable housing. With goals that focus upon providing a variety of housing options for low-to moderate income persons, LHA will support the city's priority through the development of non-traditional funding streams including expanding public/private partnerships to develop mixed financed rental property and distributing listings that will expand housing options to tenant-based Housing Choice Voucher (Section 8) participants. LHA will continue to maintain public housing and the Housing Choice Voucher (Section 8) program and undertake measures to ensure access to affordable housing among families assisted by LHA. The outlook for the development of quality, affordable rental housing is dependent on tax incentives for investors and on increased rental subsidies and programs from HUD.</p> <p>The priority for housing for persons with special needs will be addressed through housing and services that are provided for the elderly and disabled who are able to live independently. However, a major goal of the Agency Plan focuses upon self-sufficiency as a priority to provide referrals to support systems such as education and training, socioeconomic, recreation and other social service needs. LHA will carry out modifications needed in public housing based on Section 504 Needs Assessment and affirmatively market to non-profit agencies that assist families with disabilities.</p> <p>The other priorities of the City are addressed through programs and Services:</p> <p>Economic Development: Training for residents is provided through LHA's Family Services and Community Relations Office and/or through partner organizations recruited to provide same. Also, referrals are coordinated with the City of Lakeland's Workforce Pipeline in addition to vendors with whom the LHA contracts in compliance with its Section 3 goals. In addition, the Real Estate and Community Development Department of LHA provides support through various development and redevelopment activities in conjunction with the City and others.</p> <p>Public and Human Services: LHA provides opportunities for LHA youth employment, referrals to various agencies for services, and recreational and other programs through the Youthbuild program and MST/OST Program, that support the City's strategies for youth services and family services. LHA also makes referrals to various other City service providers for any resident family member with needs.</p> <p>Public Safety: With the focus upon safety and security, LHA seeks to provide assistance to the efforts of the City through the deployment of Lakeland Police Department staff in family and elderly properties. Through a supportive partnership with the Lakeland Police Department, LHA staff provides assistance and information and coordinates efforts to address crime problems in the communities. Lakeland Police Officers provide information and training for residents and have established a Crime Hotline for resident usage.</p> <p>Further, LHA has implemented a Tough on Crime strategy in all of its developments. All of these efforts support the City's strategies for crime prevention, community policing, and addressing drug related violence.</p> <p>Public Facilities: Understanding the need to provide facilities that offer space for various programs and services, LHA maintains space for community activities in each community, including small communities, provides office space for the Tenant Council in almost each community. The Emma Turner Center in the Renaissance Community counts with a computer lab and facilities that are available for all residents, including space for non-resident service-providers who provide services for residents or others who can contract/lease space for other purposes.</p> <p>Planning and Administration: Through a review process that includes planning with the City, the County and other partners, LHA seeks to plan and to better utilize funds in order to improve services and programs that will benefit residents.</p> <p>LHA supports the City's strategies in the areas of planning, marketing, promoting cooperation, allocating resources and coordinating services.</p> <p>(1) Strategies Need: Shortage of affordable housing for all eligible populations</p>
	<p>Strategy 1. Maximize the number of affordable units available to the PHA within its current portfolio by:</p> <ul style="list-style-type: none"> • Employ effective maintenance and management policies and strategies that will minimize the number of public housing units off-line • Reduce the number of vacant units and turnover time for vacated public housing units • Reduce time to renovate public housing units • Seek replacement of public housing units lost to the inventory through mixed finance development

	<ul style="list-style-type: none"> • Seek replacement of public housing units lost to the inventory through Section 8 replacement housing resources • Maintain or increase Section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction • Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required • Maintain or increase Section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration • Maintain or increase Section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program • Participate in the Consolidated Plan development process to ensure coordination with broader community strategies <p>Strategy 2: Increase the number of affordable housing units by:</p> <ul style="list-style-type: none"> • Apply for additional Section 8 units should they become available • Leverage affordable housing resources in the community through the creation of mixed - finance housing • Pursue housing resources other than public housing or Section 8 tenant-based assistance. <p>Need: Specific Family Types: Families at or below 30% of median</p> <p>Strategy 1: Target available assistance to families at or below 30 % of AMI</p> <ul style="list-style-type: none"> • Adopt rent policies to support and encourage work <p>Need: Specific Family Types: Families at or below 50% of median</p> <p>Strategy 1: Target available assistance to families at or below 50% of AMI</p> <ul style="list-style-type: none"> • Employ admissions preferences aimed at families who are working • Adopt rent policies to support and encourage work <p>Need: Specific Family Types: The Elderly</p> <p>Strategy 1: Target available assistance to the elderly:</p> <ul style="list-style-type: none"> • Apply for special-purpose vouchers targeted to the elderly, should they become available <p>Need: Specific Family Types: Families with Disabilities</p> <p>Strategy 1: Target available assistance to Families with Disabilities:</p> <ul style="list-style-type: none"> • Carry out the modifications needed in public housing based on the section 504 <p>Needs Assessment for Public Housing</p> <ul style="list-style-type: none"> • Apply for special-purpose vouchers targeted to families with disabilities, should they become available • Affirmatively market to local non-profit agencies that assist families with disabilities <p>Need: Specific Family Types: Races or ethnicities with disproportionate housing needs</p> <p>Strategy 1: Conduct activities to affirmatively further fair housing</p> <ul style="list-style-type: none"> • Counsel Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units • Market the Section 8 program to owners outside of areas of poverty /minority concentrations
	<p>Other Housing Needs & Strategies:</p> <p>Reasons for Selecting Strategies</p> <p>The factors that influenced LHA's selection of the strategies it will pursue are:</p> <ul style="list-style-type: none"> • Funding constraints • Staffing constraints • Limited availability of sites for assisted housing • Extent to which particular housing needs are met by other organizations in the community • Evidence of housing needs as demonstrated in the City's Plan and other information available to the PHA • Influence of the housing market on PHA programs • Community priorities regarding housing assistance • Results of consultation with local or state government • Results of consultation with residents and the City Wide Resident Advisory Board • Results of consultation with advocacy groups

Additional Information. Describe the following, as well as any additional information HUD has requested.

(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.

Progress in Meeting Mission and Goals

The Lakeland Housing Authority serves more than 4,000 people in the City of Lakeland and the Polk County Area through affordable housing and services to families; along with leading neighborhood revitalization efforts throughout the city and county. Our accomplishments and ongoing efforts to serve the city are representative of our progress in meeting our strategic goals. The following are highlights of our progress for the past year:

Goal 1: Revitalized residential and commercial communities - Create healthy and stable communities

- Continue to serve the City of Lakeland community through the Colton Meadow, Villas of Lake Bonnet, John Wright Homes and the Hampton Hills Houses communities which brought affordable multi-family and single-family housing opportunities to our families.
- Launched community engagement activities regarding redevelopment efforts to transform two major public housing developments in the city of Lakeland, into mixed-income communities. This redevelopment project will involve up to 250 units in West Lake and West Lake Addition Apartments.
- Will apply through the U.S. Department of Housing and Urban Development under the CFFG program for the renovation of Cecil Gober Villas, a 37-unit elderly development. LHA plans to submit funding applications for low-income housing tax credits and other financial resources including but not limited to the CFFG program to support the revitalization of Carrington Place (Formerly known as Dakota Park) and Renaissance at Washington Ridge.
- Completed modernization, capital improvements and Uniform Federal Accessibility Standards upgrades utilizing Capital Fund Formula Grants and Competitive Grant awards in various LHA communities. Through this effort LHA effectively served more than 317 families.
- Through a partnership with the City of Lakeland, the Department of Veterans Affairs, and other community partners, LHA's Housing Choice Voucher Program helped provide housing to the homeless.

10.0

- LHA developed and expanded partnerships with various community organizations, businesses, educational institutions, city leaders and others that are significantly impacting the quality of life of our communities.

Goal 2: Economic opportunities - Foster and create business and investment opportunities

- Continued partnership with the Polk Works Department and We Care to advance Workforce Development opportunities for LHA residents. Free training and life-skill programming provided to increase opportunities for gainful employment to more than 100 public housing residents.
- Continued support of county-wide economic development through various neighborhood redevelopment efforts and home ownership opportunities; and advance neighborhood stability through affordable housing and neighborhood preservation.
- LHA continues to implement the HUD VA Supportive Housing (VASH) vouchers to provide rental assistance for disabled and chronically homeless veterans.
- Economic opportunities for residents were advanced through LHA providing free GED programs; life skills classes, workshops and the free computer lab in many of our communities and the Emma Turner Center. Additionally, LHA provided Section 3 Training opportunities for residents through the Office and Maintenance Skills training program, the Youth Build Program and the We Care Job Training Program which included classroom and field training experiences.

Goal 3: Efficiency and Fiscal Responsibility - A responsible steward of financial and programmatic operations.

- LHA maintained at least a Standard Performer status under the Section 8 Management Assessment System and Public Housing Assessment System. LHA's continuing goal is to maintain the High Performer status under both programs.

Goal 4: Quality Customer Service - Provide courteous, competent, and timely services.

	<ul style="list-style-type: none"> • Efforts to effectively respond to agency, community and resident goals to enhance public safety and community-building with the Lakeland Police department resulted in expanded partnerships and programs; the launch of the LHA Community safety programs and special events. • LHA developed the City Wide Residents Advisory Board of residents to work in conjunction with other housing organizations and staff to effectively develop strategies to advance programs and initiatives for public housing residents. <p>Annually, the agency's strategic priorities will be updated. LHA updated all of its strategic priorities as part of its five-year plan submission for 2015.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification</p> <p>LHA is required to provide its definition of —significant amendment and substantial deviation/modification and the basic criteria it will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan.</p> <p>LHA will amend or modify its agency plan upon the occurrence of any of the following events:</p> <p>A. In the event a federal statutory or regulatory change is made effective and, in the opinion of the Authority, has either substantial programmatic or financial effects on the programs administered by the Authority, or creates substantial obligations or administrative burdens on the programs under administration at the start of the plan year. Such changes which are mandated and/or required may be adopted without prior notice to remain in compliance.</p> <p>b. Any other substantial deviations or significant amendments or modifications that are defined as discretionary changes in the plans or policies of the housing authority that fundamentally change the mission, goals, objectives, or plans of the agency and which require the formal approval of the Board of Commissioners.</p>
	<p>(c) Other information:</p> <p>The Lakeland Housing Authority has decided to elect to utilize all PIH Notices.</p>
<p>11.0</p>	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <ul style="list-style-type: none"> (a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only) (c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only) (d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only) (e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only) (i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)

Homeownership Programs

A. Public Housing

1. Yes No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

In addition to the old Homeownership programs LHA has administered, we have acquired 11 units using RHF money and have submitted an application to the SAC to convert these units to homeownership under Section 32.

2. Activity Description

- Yes No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table?

B. Section 8 Tenant Based Assistance

1. Yes No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982?

2. Program Description:

a. Size of Program

- Yes No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (Select one)

- 25 or fewer participants
 26 - 50 participants
 51 to 100 participants
 More than 100 participants

b. PHA-established eligibility criteria

- Yes No: Will the PHA’s program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria below:

See Admission Preferences for Section 8.

Capacity

The Lakeland Housing Authority's Section 8 Homeownership Program has the required capacity because 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 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.

In addition, 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.

Project-Based Vouchers

The Lakeland Housing Authority may project-base up to 20% of their Section 8 Housing Choice Vouchers. Currently Lakeland Housing Authority currently administers 1535 Housing Choice Vouchers, and may project-base up to 306 vouchers. The properties will be located somewhere within the jurisdiction of the Lakeland Housing Authority. If any of the locations about to be selected by the Lakeland Housing Authority are found to be in a census tract with poverty rates of more than 20 percent, the Housing Authority will seek an exception from HUD.

This action is consistent with the Agency Plan in the following ways:

- It is consistent with the Mission Statement of the Lakeland Housing Authority.
- It expands the supply of assisted housing
- It increases assisted housing choices
- It conducts outreach efforts to potential voucher landlord participants
- It helps ensure Equal Opportunity in Housing for all Americans
- Project-basing will help the Lakeland Housing Authority meet the statutory goals of deconcentrating poverty and expanding housing and economic opportunities.

The Lakeland Housing Authority is utilizing project-based vouchers for a portion of its housing choice vouchers because of the same reasons that the decision is consistent with the Agency Plan, it expands the supply, increase choice, assists with fair housing goals, and will assist in deconcentrating Section 8 participants.

LHA has exercised this discretion in project-basing 99 to the Manor at West Bartow, and 18 to Bonnet Shores.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.

3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.

4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.

5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.

6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.

7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**

8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the

appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.**
 - 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and
 - 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: **(1)** A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and **(2)** A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent that **approved and/or pending** demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: **1)** A description of any building

or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers**

complete only for Annual Plan submitted with the 5-Year Plan.)

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

PHA

Housing Choice Voucher
Administrative Plan 2016



US. Department of Housing and Urban Development
Office of Public Housing and Indian Housing

Lakeland Housing Authority
Housing Choice Voucher Administrative Plan
Fiscal Year 2016

Our Mission is to provide quality, affordable housing and self-sufficiency opportunities in an effective and professional manner, in Lakeland and Polk County Florida.

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SECTION 8 ADMINISTRATIVE PLAN

1.0 EQUAL OPPORTUNITY

1.1 FAIR HOUSING

It is the policy of the Lakeland 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, sexual orientation, gender identity, marital status, 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 Lakeland Housing Authority housing programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Lakeland 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 Lakeland Housing Authority office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The Lakeland Housing Authority will assist any family that believes they have suffered illegal discrimination by providing copies of the housing discrimination form. The Lakeland 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 Lakeland 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 Lakeland Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Lakeland Housing Authority will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

The Housing Authority will assist Disabled program participants in:

- a) providing housing search assistance in finding homes that accommodate a person with disabilities;

- b) attempting to identify public and private funding sources to assist participants with disabilities in covering costs of structural alterations that may be required to accommodate their disability;
- c) helping program applicants and participants gain access to supportive services available in the community;
- d) working with our local jurisdictions to implement their initiatives to further fair housing;
- e) identifying impediments to fair housing choice within the Non-elderly disabled HCV program in conjunction with the City of Lakeland;
- f) addressing impediments in a reasonable fashion in view of existing resources;
- g) expanding housing opportunities by encouraging landlord participation in
 - i. providing homes that accommodate a person with disabilities
- h) continuing to examine our program for fairness; and
- i) informing the HCV Non-elderly disabled applicants on how to file a fair housing complaint, including the provision of the toll-free number for the Fair Housing Complaint Hotline: 1-800-669-9777. Also, persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at 800-887-8339.

1.3 COMMUNICATION

Every applicant will be asked whether they need some form of communication other than English paperwork. Examples might include telephone contact, contact with a person other than the advocate (family member, advocate, case worker, etc.), or a sign language interpreter.

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 provided in the manner requested by the individual with disabilities.

All decisions granting or denying requests will be made 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 that found in 24 CFR Part 8, Qualified Individual with Handicaps:

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 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 Lakeland 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 Lakeland Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Lakeland 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 Lakeland Housing Authority's business is housing. If the request would alter the fundamental business that the Lakeland Housing Authority conducts, that would not be reasonable. For instance, the Lakeland Housing Authority would deny a request to have the Lakeland Housing Authority do grocery shopping for the person with disabilities.
 2. Would the requested accommodation create an undue financial hardship and administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Lakeland 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 Lakeland Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Lakeland Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Lakeland Housing Authority's programs and services, the Lakeland 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 owners make physical modifications for persons with disabilities. 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.

All reasonable accommodation and modification requests shall be reviewed and approved by the Lakeland Housing Authority designated 504 Coordinator. All decisions granting or denying requests for reasonable accommodations will be in writing. Records of such actions will be kept in the Resident's file on property with a copy of all such actions kept in a central file by the Director of Housing.

1.5 SERVICES FOR NON-ENGLISH SPEAKING PERSONS AND PARTICIPANTS

The Lakeland 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 Lakeland Housing Authority balances 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 Lakeland 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 Lakeland Housing Authority will endeavor to have bilingual staff or access to people who speak languages other than English. Finally, the Lakeland Housing Authority shall utilize multilingual "I speak" cards to the maximum degree possible.

1.6 FAMILY/OWNER OUTREACH

The Lakeland Housing Authority will publicize the availability and nature of the Section 8 Program for extremely low-income and very low income 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 Lakeland 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 Lakeland Housing Authority will also try to utilize public service announcements.

The Lakeland 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.

Referrals will be made by the local TANF agency and Dept. of Children and Families in order to identify potential participants of the Family Unification 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 Lakeland 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 Lakeland Housing Authority helps owners do better screening; and
- D. Provide an opportunity for owners to ask questions, obtain written materials, and meet Lakeland Housing Authority staff.

The Lakeland 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.

1.7 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.

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

All requests for release of family information will be approved by the Occupancy Manager.

1.8 REQUIRED POSTINGS

The Lakeland 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 Lakeland Housing Authority offices, office hours, telephone numbers, Florida Relay 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
- H. The Agency's SEMAP score and designation.

2.0 LAKELAND HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATION OF THE FAMILY

This Section outlines the responsibilities and obligations of the Lakeland Housing Authority, the Section 8 Owners/Landlords, and the participating families.

2.1 LAKELAND HOUSING AUTHORITY RESPONSIBILITIES

- A. The Lakeland Housing Authority will comply with the consolidated ACC, the application the Lakeland 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 Lakeland 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 Lakeland Housing Authority utility allowance;
17. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the Lakeland 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 Lakeland Housing Authority decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain Lakeland 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 Lakeland 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. Including in the lease a clause that provides that engaging in drug-related criminal activity on or near the premises by the tenant, household member, guest, or any other person under the tenant's control is grounds for the owner to terminate tenancy. In addition, the lease must also provide that the owner may evict a family 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.
 9. Paying for utilities and services (unless paid by the family under the lease).
- B. For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities see 24 CFR 100.203.
- C. The owner is responsible for notifying the Lakeland 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 Lakeland 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 Lakeland Housing Authority or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers 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 Lakeland Housing Authority Inspection

The family must allow the Lakeland Housing Authority to inspect the unit at reasonable times and after at least 2 calendar day notices according to state law.

D. Violation of Lease

The family may not commit any serious or repeated violation of the lease.

E. Family Notice of Move or Lease Termination

The family must notify the Lakeland 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 Lakeland 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 Lakeland Housing Authority must approve the composition of the assisted family residing in the within 10 business days of the birth, adoption or court-awarded custody of a child. The family must request approval from the Lakeland 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).

3. The family must notify the Lakeland Housing Authority within 10 business days if any family member no longer resides in the unit.
4. If the Lakeland Housing Authority has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The Lakeland 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 Lakeland 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 Lakeland Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Lakeland Housing Authority requested information or certification on the purposes of family absences. The family must cooperate with the Lakeland Housing Authority for this purpose. The family must promptly notify the Lakeland 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 Lakeland Housing Authority for absences exceeding 30 calendar days. The Lakeland Housing Authority will make a determination within 5 business 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 Lakeland 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, 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. This provision does not exclude units receiving Low Income Tax Credits.

M. Alcohol and/or Substance 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.

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 Lakeland 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 or Co-Heads 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. If the remaining member of a tenant family is a minor or minors, it will be necessary for an adult to temporarily move into a unit to serve as a guardian for children residing in the unit. The income received by the temporary guardian will be counted in determining family income. Although typically a criminal background check is required before anyone can receive Housing Choice Voucher assistance, this requirement will be waived for a guardian in this situation. Instead, the background check will occur after the person moves in. 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 guardian or lose the assistance.
7. A **single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

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 count against the income targeting requirements);
 - c. A low-income family that is a non-purchasing tenant in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CFR 248.173;
 - d. 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.
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 Lakeland 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 Lakeland 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 Lakeland Housing Authority program.
6. Income limit restrictions do not apply to families transferring units within the Lakeland 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)). Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a voucher, unless the Lakeland Housing Authority determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list.

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(K) 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.

All adults must be able to sign the lease. If the State of Florida forbids individuals with ineligible immigration status from executing contracts (i.e., leases or other legal binding documents), then they are ineligible for this program.

D. Social Security Number Documentation

Prior to admission, every family member regardless of age must provide the Lakeland Housing Authority with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a Social Security Number, the family shall have ninety (90) calendar days after starting to receive the assistance to provide a complete and accurate Social Security Number. The Housing Authority may grant one ninety (90) day extension for newly-added family members under the age of six if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

Applicants and participants (including each member of the household and including, live-in aides, foster children, and foster adults) are required to disclose his/her SSA-assigned SSN, with the exception of the following individuals:

1. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States) and have not been assigned an SSN. These individuals in most instances would not be eligible for a SSN.
 - a. A family that consists of a single household member (including a pregnant individual) who does not have eligible U.S. citizenship or eligible immigration status is not eligible for housing assistance and cannot be housed.
 - b. A family that consists of two or more household members and at least one household member that has eligible U.S. citizenship or eligible immigration status, is classified as a mixed family, and is eligible for prorated assistance in accordance with 24 CFR §5.520. The PHA may not deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.

If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification.

Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 are exempt from the required disclosure of their Social Security Number. This exemption continues even if the individual moves to a new assisted unit.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the Housing Authority will accept an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

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 the Social Security Number of each household member cannot be provided to the Lakeland Housing Authority within 60 calendar days of it being requested, the family shall lose its place on the waiting list and drop to the bottom of the list. During these 60 calendar days, if all household members have not disclosed their SSN at the time a voucher becomes available, the Lakeland Housing Authority must offer the available voucher to the next eligible applicant family on the waiting list.

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The Housing Authority may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

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 Lakeland 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 Lakeland Housing Authority to verify with previous or current employers 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 Lakeland Housing Authority permission to accessed 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 Lakeland Housing Authority determines eligibility for participation and will also

conduct criminal background checks on all household members over the age of eighteen (18) of age, including live-in aides. The Lakeland 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 five years. If the individual has lived outside the local area, the Lakeland 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 Lakeland 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 Lakeland Housing Authority's action has expired without a challenge or final disposition of any litigation has occurred.

The Lakeland 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 Lakeland Housing Authority will check with our state registry and if the applicant has resided in another State(s), with that State(s)'s list. The Lakeland Housing Authority will utilize the US Department of Justice's Dru Sjodin National Sex Offender website as an additional resource. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries.

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 occurs.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the Lakeland 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 Lakeland 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 Lakeland Housing Authority must request the criminal conviction records from the appropriate law enforcement agency or agencies, as determined by the Housing Authority. If the Lakeland Housing Authority receives criminal conviction records requested by an owner, the Lakeland 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 Lakeland 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 if whether or not they comply with HUD regulations and the owner's criteria. The Lakeland Housing Authority will charge owners a fee of **\$25.00** 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 Lakeland Housing Authority will merely apply the criteria the owner establishes. The fee for this service shall be **\$10.00**.

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; 0
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.

The above restriction does not apply to a person with disabilities as such term is defined in section 3(b) (3) (E) of the 1937 ACT and who was receiving Section 8 assistance on November 20, 2005.

4.0 MANAGING THE WAITING LIST

LHA is responsible for establishing an application and selection process that treats applicants equitably and provides an effective method for determining program eligibility. While program regulations give LHA flexibility in certain aspects of the application and selection process, the processes must conform to established rules and regulations, including fair housing civil rights laws and regulations, and must result in consistent, non-discriminatory determinations on applicant eligibility, placement of applicants on the waiting list, and selection of applicants from the waiting list.

LHA has flexibility to determine whether to keep the waiting list open indefinitely or whether to open the waiting list periodically for defined application periods. LHA will only make this determination after careful analysis and consideration of all circumstances, including whether the

length of the waiting list makes the wait for housing unreasonably long or whether there is a sufficient number of eligible applicants to ensure that new and turnover vouchers under the LHA's HCV program are issued as quickly as possible.

Any public notice announcing a waiting list opening and application procedure will be simple, direct, and clear but with sufficient detail to inform applicants of the time and place to apply, any limitations on who may apply, and any other information the applicant may need to successfully submit the application. The notification process will also comply with HUD fair housing requirements, such as adopting suitable means to assure that the notice reaches eligible individuals with disabilities and those with limited-English proficiency. HCV program regulations require the public notice to appear in a local newspaper of general circulation, minority media, and other suitable means. These practices are strongly encouraged in the LHA Public Housing program.

LHA will also keep in mind any safety concerns when reopening waiting lists in areas of high demand. LHA will use various strategies to avoid application intake procedures that may cause a safety concern for the public and LHA staff.

LHA will inform individuals in our jurisdiction of the availability of housing through various means of outreach. Outreach is also an opportunity to educate the local community, including potential HCV landlords, about the LHA's programs. The waiting list plays an important role in determining a HA's outreach needs: a waiting list that is not representative of the various demographics in the community in need of housing may be indicative of a need to adjust the HA's outreach efforts to effectively reach those groups.

LHA will also consider whether any waiting list opening will be targeted to a specific group, such as when LHA has received funding targeted to a specific population (for example, Family Unification Program (FUP) vouchers and Category 2 Non-Elderly Disabled (NED) vouchers); or is opening a waiting list for a Designated Housing project or projects for the HCV Project Based Voucher Program currently running at the Manor at West Bartow and the Villas of Lake Bonnet.

In such cases, the LHA may conduct outreach only to the special population group. Please note that targeting of a specific group must be consistent with the LHA's preferences, and site-specific waiting list requirements set out in our admissions and occupancy policies. Before a specific group is targeted, the preference must be included in the LHA's admissions and occupancy policies or HCV administrative plan. In cases where the LHA has been awarded funding by HUD for a specified category of families (e.g. NED, HCVBPC or FUP vouchers), the LHA does not have to establish a preference for the specified category.

LHAs' operating programs that serve specific populations may also wish to conduct educational outreach to landlords and service-provision organizations, especially if the populations are hard-to-house populations. If LHA partners with another organization to serve a specific population, the partnering organization can play a vital role in assisting the LHA in its outreach efforts, including any educational outreach.

To ensure a broad range of applicants, LHA will be issuing notifications of waiting list openings to local welfare offices, homeless shelters, domestic violence shelters, and minority

organizations, among others. LHA is also thinking creatively when developing outreach efforts and consider using tools like social media sites, other websites, newsletters, and on-site visits.

LHA will also reach out to persons with disabilities, including disabled individuals in institutions transitioning to community-based settings and those with limited-English proficiency. When opening its HCV and/or PH waiting list, or in any other instance when the LHA engages in educational or other outreach about its programs, the LHA will ensure that the information, including information on the availability of accessible units, reaches the eligible individuals. LHA may do this by targeting, for example, social service agencies, nursing homes, psychiatric hospitals, and other mental health facilities. LHA may also contact state Money Follows the Person (MFP) agencies, Medicaid agencies, and other local partner agencies for a listing of institutions where LHA can send outreach materials.

If funding is received for Housing Choice Vouchers that contain specific admission criteria, said criteria shall prevail over the normal admission criteria set forth in this Policy.

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 to who may apply.

Limits on Who May Apply

- When the waiting list is open:
Any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.
- When the application is submitted to the Lakeland Housing Authority:
It establishes the family's date and time of application for placement order on the waiting list according to preference points claimed.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program, and that such applicants will not lose their place on other waiting lists when they apply for Section 8. The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

The waiting list may be opened for top preference holders only, all preference holders, or for all applicants.

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 by any available minority media.

4.2 TAKING APPLICATIONS

Families wishing to apply for the HCV Section 8 Program and the Project Based Voucher Program will be required to complete a preliminary application for housing assistance. The preliminary applications will be accepted during regular business hours at the Housing Choice Voucher Department of the Lakeland Housing Authority. The Lakeland Housing Authority reserves the right to establish satellite locations for application taking, so long as all processing is done at the Housing Choice Voucher Department of the Lakeland Housing Authority regardless the location.

Applications are taken to compile a waiting list. Due to the demand for Section 8 assistance in the Lakeland Housing Authority jurisdiction, the Lakeland Housing Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

Applicants will be provided the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. The form gives applicants the option to identify an individual or organization that the Housing Authority may contact and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must sign and date the form.

If the applicant chooses to have more than one contact person or organization, the applicant must make clear to the Housing Authority the reason each person or organization may be contacted. The Housing Authority will allow the applicant to complete a form HUD-92006 for each contact and indicating the reason the Housing Authority may contact the individual or organization. For example, the applicant may choose to have a relative as a contact for emergency purposes and an advocacy organization for assistance for tenancy purposes.

Those applicants who choose not to provide the contact information should check the box indicating that they “choose not to provide the contact information” and sign and date the form.

Applications may be made in person at times the office is open for application acceptance purposes. Applications will be mailed to interested families upon request.

The completed application will be dated and time stamped upon its return to the Lakeland Housing Authority.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Lakeland Housing Authority to make special arrangements to complete their application. The Florida Relay telephone number is 711 or 1-800-955-8771 (TTY Only) 1-800-955-8770 (Voice).

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information including name, address, phone number, family composition and family unit size, racial or ethnic designation of the head of household, income category, and information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list if deemed apparently eligible.

Upon receipt of the family's pre-application, the Lakeland Housing Authority will make a preliminary determination of eligibility. The Lakeland Housing Authority will notify the family

in writing of the date and time of placement on the waiting list and the approximate amount of time before housing assistance may be offered. If the Lakeland Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

An applicant is encouraged to report changes in their applicant status including changes in family composition, income, or preference factors. Applications shall be updated as applicants report changes in income and family circumstances. All modifications to applications shall be properly documented and the transaction initialed by the staff member making the change. Confirmation of the changes will be confirmed with the family in writing. If applicant failed to report changes to their status, it is not the responsibility of the Lakeland Housing Authority to give preferences for information not reported.

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 waiting list. The Lakeland Housing Authority will ensure that verification of all preferences, eligibility, suitability selection factors are current in order to determine the family's final eligibility for admission into the Section 8 Program.

Applicants will be required to submit verification documentation and sign releases for third party verifications as part of the application process. Applicants will be given ten (10) calendar days from the date of their application to provide all verifications requested. Applicants will be given a list of required verifications at the time of their interview with designated LHA personnel for the purpose of determining eligibility. Application shall be considered complete when all required verifications are received and all application questions are completed. No blanks shall be left on the application. The application shall be signed by the applicant and designated LHA staff person.

Should applicants fail to provide required verification documentation within ten (10) calendar days of the request; their case will be placed in an inactive status and will be required to reapply during the next enrollment period.

Depending on the length of time it is taking people to be admitted to the program from the time they apply, the Executive Director shall have the authority to suspend the pre-application phase and go directly to the full application phase. This can be done either in full or for specific special purpose programs.

Applicants will also be given the opportunity to update their HUD Form 92006 if applicable and if they so desire.

4.3 ORGANIZATION OF THE WAITING LIST

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

- A. The application will be a permanent file;
- B. All applications will be maintained in order of preference and then in order of date and time of application;

- C. Any significant contact between the Lakeland Housing Authority and the applicant will be documented in the applicant file.

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.

4.4 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 Lakeland 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 Lakeland 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. Applicants will have 10 days to request an informal hearing.

4.5 UPDATING THE WAITING LIST

The Lakeland Housing Authority will update 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, income category and preferences.

The purge shall consist of the Lakeland 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.

4.6 REMOVAL OF APPLICANTS FROM THE WAITING LIST

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

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

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.

4.7 GROUND FOR DENIAL

The Lakeland Housing Authority will deny assistance to applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. Have a family member who was evicted from federally assisted housing within the past five years because of drug-related criminal activity. The five year limit is based on the date of such eviction, not the date the crime was committed.

However, the Lakeland Housing Authority may admit the household if the PHA determines:

- 1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Lakeland Housing Authority; or
 - 2. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).
- F. Have a household member who is currently engaging in illegal use of a drug;
 - G. Have a household member whose illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - H. Have 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;
 - I. Have a household member who is subject to a lifetime registration requirement under a State sex offender registration program;
 - J. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - K. Have 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;

- L. Have a household member who is currently engaged in, or has engaged in the following during the last five years before the projected date of admission:
 - 1. Drug-related criminal activity;
 - 2. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - 3. 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 Lakeland Housing Authority (including a Lakeland Housing Authority employee or a Lakeland Housing Authority contractor, subcontractor or agent).

Have a household member who has engaged in a violent criminal activity in the last ten years.

For purposes of this section, a household member is “currently engaged in” criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.

- M. Have a family member who has been evicted from federally assisted housing in the last five years;
- N. Have a family member that the Lakeland Housing Authority terminated assistance for within the past five years;
- O. Have a family member who has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- P. Currently owes rent or other amounts to the Lakeland Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act;
- Q. Have 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;
- R. Have breached an agreement with Lakeland Housing Authority to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority;
- S. If a family participating in the Family Self-Sufficiency Program, a family fails to comply, without good cause, with the family’s FSS Contract of Participation;

- T. Have engaged in or threatened abusive or violent behavior towards any Lakeland Housing Authority staff member or resident;

If the Lakeland Housing Authority denies admission to the Lakeland Housing Authority's Housing Choice Voucher program on the basis of a criminal record, the Lakeland 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 Lakeland Housing Authority does not receive the dispute within the allotted time, the applicant will be denied.

The fact that an applicant is or has been 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 14 business days after receipt of the Housing Authority's written request for verification.

4.8 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Lakeland Housing Authority, in writing, that they have ten (10) business days, from the date of the written correspondence, to present mitigating circumstances or request an informal review 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 Lakeland 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 Lakeland Housing Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Lakeland 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.

4.9 INFORMAL REVIEW

If the Lakeland Housing Authority determines that an applicant does not meet the criteria for receiving Section 8 assistance, the Lakeland 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 business days of the denial. The Lakeland 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 Lakeland Housing Authority will use the assistance for those families as long as so required by HUD. If this occurs, the Lakeland 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

The Lakeland Housing Authority will select families based on the following preferences based on local housing needs and priorities. They are consistent with the Lakeland Housing Authority's Agency Plan and the Consolidated Plan that covers our jurisdiction.

- A.
- D. Working Family Preference
- E.
- F. Absence of a Proscribed Crime for All Members of the Household
- G. Absence of a Misdemeanor for All Members of the Household
- H.
- I. A person relocated from a public housing site who wants to return to that site and the site has no or limited public housing.
- J. Graduates of a Lakeland-based approved transitional housing program for homeless persons.

A description of these Preferences and their "definitional elements" (or sub-categories) follows:

- D. **Working Family Preference:** A working family is defined as a family whose head and spouse is employed on a regular basis for a minimum of 30 hours per week. This also includes families who are engaged in self-sufficiency activities such as secondary, vocational, or employment training such as on the job training. Remedial education is not considered as vocational training.

Threshold limits to meet this definition are employment of three (3) months

consecutively or currently employed and having been employed nine months of the last twelve (12) months. For families in training, the qualifying adult(s) must be enrolled in a full-time training program for three (3) months as defined by the school or training agency.

Elderly and disabled individuals and families will receive this preference if they meet the definition of elderly or handicapped/disabled as defined in this policy.

- E. .
- F... Absence of a Proscribed Crime for All Members of the Household

An applicant household that has no criminal record (See glossary) as shown on criminal records checks will be considered as qualifying for this preference.
- G. Absence of a Misdemeanor for All Members of the Household

An applicant household that has no misdemeanor criminal record as shown on criminal records checks will be considered as qualifying for this preference.
- H.
- I. Relocating Public Housing Residents

A family desiring and eligible to return to a redeveloped property where the property does not include any public housing units or has limited public housing units.
- J. Transitional Housing Graduates

A number of Lakeland agencies offer training programs for homeless persons. This preference goes to graduates of these programs.

5.2.1 HOUSING FEDERAL DISASTER VICTIMS

In the case of a federally declared disaster, the Lakeland Housing Authority reserves the right for its Executive Director to suspend its preference system for whatever duration the Executive Director feels is 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 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

Based on the above preferences, the Lakeland Housing Authority will select families according to the following preferences based on our local housing needs and priorities:

Working Families	35	points
Absence of a Proscribed Crime Preference	10	points
Absence of a Misdemeanor Preference	5	points
A Relocating Public Housing Resident	100	points
Transitional Homeless Housing Program Graduates	300	points

Among applicants with equal preference status, the waiting list will be organized by date and time of receipt of the finished application.

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 Lakeland Housing Authority retains the right to skip higher income families on the waiting 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, we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

Also, notwithstanding the above, the Lakeland Housing Authority Executive Director is authorized to waive any of Lakeland Housing Authority's preferences, policies, or procedures in order to accommodate requests made by an authorized HUD representative, as a result of a Federal Disaster declared by the President of the United States, to assist in the disaster recovery.

6.0 ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)

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

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

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Lakeland 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.

Bedroom size will also be determined using the following guidelines:

- A. Children of the same sex will share a bedroom.
- B. Children under the age of 5 may share a bedroom with parent.
- C. Children of the opposite sex, both under the age of 6, will share a bedroom.
- D. Persons of different generations will not be required to share a bedroom.
- E. Foster adults and children will not be required to share a bedroom with family members.
- F. Live-in aides will get a separate bedroom.

The Lakeland Housing Authority will grant exceptions to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a disability or a medical reason why the larger size is necessary.

The family unit size will be determined by the Lakeland Housing Authority in accordance with the above guidelines and will determine the maximum rent subsidy for the family. Although the

family may select a unit that may be larger or smaller than the family unit size, due to budgetary limitations, the Lakeland Housing Authority may deny the family assistance to a unit larger than the family unit size. Allowing a family to move in to a unit larger than the family unit size, the LHA is obligated to use the utility allowance for the actual unit size causing the Authority to expend more funds and service less families. The more funds used in over-housed situations decreases the number of families LHA can service.

6.1 BRIEFING

When the Lakeland Housing Authority selects a family from the waiting list and has determined final eligibility, 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 or a sign language translator 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;
- E. For families qualified to lease a unit outside the Housing Authority's jurisdiction under portability, an explanation of how portability works;
- F. An explanation of the advantages of living in an area that does not have a high concentration of poor families; and
- 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;
- H. A description of the homeownership program if one exists;

- I. The Family Self-Sufficiency program requirements and benefits;
- J. Explain the EIV process; and
- K. An explanation of information contained in the Housing Choice Voucher packet.

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 including 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") and HUD brochure "IS FRAUD WORTH IT?"
- 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 Lakeland 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 Lakeland 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. Lakeland 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. An explanation of rights afforded to Housing Choice Voucher participants under the Violence Against Women Act;
- S. A HUD Form 52675 that must be signed by the applicant; and
- T. The Lakeland Housing Authority owner information brochure. This brochure can be given by the applicant to a prospective owner to help explain the program.

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 Lakeland 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 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 up to two 30 calendar day extension of the term. 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 30 calendar days, whichever is less. Any extensions or a cumulative of extensions that will provide the family an excess of 120 days in search time will need to be granted by the HCV Department supervisor.

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, the Housing Authority may grant the extension.

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 when the waiting list is open and begin the waiting list process. If the waiting list is closed, they must wait until the Lakeland 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 Lakeland 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; (this only applies when the family is moving into the unit for the first time, initial lease term);
- F. The owner certifies that he or she is not in a conflict of interest situation with the resident.
- 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 in writing 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:

1. The unit passes the Housing Authority HQS inspection;
2. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard; (this only applies when the family is moving into the unit for the first time, initial lease term);
3. The landlord and resident sign the lease to include the HUD required addendum; and
4. 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 calendar day period will be void and the Housing Authority will not pay housing assistance to the owner.

6.6 LAKELAND 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, Lakeland Housing Authority employees or owner employees; or
 - 2. residences by neighbors;
- H. If the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family of an applicant seeking the initial use of a housing choice voucher (currently shopping) unless the Lakeland 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 the 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 Lakeland 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 [any of these can be allowed if the PHA desires. See chapter 17 of the voucher guidebook]:

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

The Lakeland 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. Assisted Living Facilities

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 Lakeland Housing Authority's payment standard. Also, the Lakeland Housing Authority's utility schedule will be utilized in setting the rent, not the property's utility schedule. Finally, the Lakeland Housing Authority will re-certify everyone living in a property utilizing tenant-based housing choice vouchers and 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, including any interest on the 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 participant.

If the security deposit is not sufficient to cover amounts the participant owes under the lease, the owner may seek to collect the balance from the resident in compliance with State law.

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 Lakeland Housing Authority will issue the family a new housing choice voucher if the family does not owe the Lakeland 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 Lakeland Housing Authority has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice, the 12-month requirement will be waived.

7.1 WHEN A FAMILY MAY MOVE

For families already participating in the Housing Choice Voucher Program, the Lakeland 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; 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).
- D. The family or a member of the family is or has been the victim of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member. The Lakeland Housing Authority will not terminate assistance if the family, with or without prior notification to the housing authority, already moved out of a unit in violation of the lease, if such move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit.

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 Lakeland Housing Authority's jurisdiction, will be required to attend a mover's briefing prior to the Lakeland 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; sufficiency
- F. The need to have a reexamination conducted within 120 calendar days prior to the move;
- H. An explanation and copies of the forms required initiating and completing the move; and all forms and brochures provided to applicants at the initial briefing.
- I. Family Self-Sufficiency brochure

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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 LAKELAND HOUSING AUTHORITY

A family whose head or spouse has a domicile (legal residence) in the jurisdiction of the Lakeland Housing Authority at the time the family first submits its application for participation in the program to the Lakeland Housing Authority may lease a unit anywhere in the jurisdiction of the Lakeland Housing Authority or outside the Lakeland 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.

If the head or spouse of the assisted family does not have a legal residence in the jurisdiction of the Lakeland Housing Authority at the time of its application, the family will not have any right to lease a unit outside of the Lakeland 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 Lakeland Housing Authority. This does not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, or stalking and the move is needed to protect the health or safety of the family or family member.

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 Lakeland Housing Authority allow a participant to improperly break a lease. Under extraordinary circumstances the Lakeland Housing Authority may consider allowing more than one move in a 12-month period. This does not apply when the family or a member of the family is or has been the victim of

domestic violence, dating violence, or stalking and the move is needed to protect the health or safety of the family or 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 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.

If a family has moved out of their assisted unit in violation of the lease, the Lakeland Housing Authority will not issue a voucher and will terminate assistance in compliance with Section 17.0, Termination of the Lease and Contract. This will not apply if the family has complied with all program requirements and the family has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

A family will not be given a voucher to port to another housing authority's jurisdiction if the family owes money to the Lakeland Housing Authority or a participating landlord.

Any of the above general policies will be waived by the Lakeland 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 Lakeland 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 business days after receipt of the Housing Authority's written request for verification.

To the degree possible, portability moves will be utilized to affirmatively further fair housing.

8.2 INCOME ELIGIBILITY

- A. For applicant families wishing to exercise portability- The 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 Lakeland Housing Authority is the Initial Housing Authority:
 - 1. The Lakeland 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority will, within ten (10) calendar days, notify the Receiving Housing Authority to expect the family via telephone, fax or email.
 - 5. The Lakeland 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, related verification information, and a copy of the family's voucher. If the family is an applicant and not a participant, the Lakeland 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 Lakeland Housing Authority is the Receiving Housing Authority:
 - 1. When the portable family requests assistance from the Lakeland Housing Authority, the Lakeland Housing Authority will within ten (10) business 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 (10 business days or less of the date the HAP contract is executed) will accomplish this. If the family is absorbed, the Lakeland Housing Authority will also send the Initial Housing Authority a new HUD Form 50058.

2. The Lakeland 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 Lakeland Housing Authority's voucher will not expire before the expiration date of any Initial Housing Authority's housing choice voucher. The Lakeland Housing Authority will determine whether to extend the housing choice voucher term. The decision to extend will take into account the Lakeland 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 Lakeland Housing Authority during the term of the Lakeland Housing Authority's housing choice voucher. If the Lakeland 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 Lakeland Housing Authority will determine the family unit size for the portable family. The family unit size is determined in accordance with the Lakeland Housing Authority's subsidy standards.
4. The Lakeland 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority intends to bill the Initial Housing Authority.
5. In order to provide tenant-based assistance for portable families, the Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority

If funding is available under the consolidated ACC for the Lakeland Housing Authority's Housing Choice Voucher Program when the portable family is received, the Lakeland 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 Lakeland Housing Authority. If absorbed, the family is assisted with funds available under the consolidated ACC for the Lakeland 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 compiled with. The billing procedure will be as follows:

1. As the Initial Housing Authority, the Lakeland 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% or a negotiated amount that both housing authorities agree to 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 Lakeland 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 with ten (10) business days of the effective date of any change in the billing amount.
3. If the Lakeland Housing Authority decides to absorb a family it had previously been billing for, it shall notify the Initial Housing Authority within ten (10) business 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 Lakeland 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 Lakeland Housing Authority subtracts all allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

9.2 ANNUAL INCOME

- A. Annual income means all amounts, monetary or not, that are included under 24 CFR part 5.609 and 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 Lakeland Housing Authority believes that past income is the best available indicator of expected future income, the Lakeland Housing Authority may annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period.

- 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, which shall be equal to the Savings National Rate established by the Federal Depositors Insurance Corporation. The Lakeland Housing Authority shall verify this rate quarterly, or sooner should market condition be more volatile, and adjust the calculation so as not to vary from the National Rate by more than 75 basis points. 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

- i. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
 - (1). Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
 - (2). Are not otherwise excluded under paragraph Section 9.3 of this Plan.

- b. Imputed welfare income.
 - i. A family's annual income includes the amount of imputed welfare income by which the family is sanctioned by the Welfare office for either welfare fraud or failure to comply with economic self-sufficiency requirements plus the total amount of other annual income.

 - ii. At the request of the Lakeland Housing Authority, the welfare agency will inform the Lakeland 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 Lakeland Housing Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Lakeland Housing Authority will use this information to determine the amount of imputed welfare income for a family.

 - iii. 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 Lakeland Housing Authority by the welfare agency).

 - iv. 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.

 - v. The Lakeland 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.

 - vi. If a participant is not satisfied that the Lakeland Housing Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Lakeland

Housing Authority denies the family's request to modify such amount, then the Lakeland Housing Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the Lakeland Housing Authority's determination of the amount of imputed welfare income. The Lakeland 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.

vii. Relations with welfare agencies

a). The Lakeland 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 Lakeland 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.

b). The Lakeland 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 Lakeland 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, or for providing the opportunity for review or hearing on such welfare agency determinations.

c). 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 Lakeland Housing Authority relies on the welfare agency notice to the Lakeland 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) or payments made under Kin-GAP or similar relative caregiver guardianship programs for children leaving the juvenile court system;
- 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 Lakeland 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 AmeriCorp 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. Any low-income subsidy received to assist low-income persons in paying for their Medicare prescription drug program.
- u. Income payments from the U. S. Census Bureau defined as employment lasting no longer than 180 calendar days and not culminating in permanent employment.
- v. One-time payments generated by the American Recovery and Reinvestment Act (ARRA).

9.4 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent, defined as a person other than the head, spouse, foster child or adult or live-in aide who is under 18 years of age, or older than 18 and a full-time student or person with a disability
- 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. Un-reimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare prescription drug program; and
 2. Un-reimbursed 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 not working or 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 Occupancy Manager 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority will verify information related to waiting list preferences, 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, the family's certification will be accepted. (Or, for citizenship, documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by the following verification methods acceptable to HUD, in the order of preference indicated:

Third Party Verification Techniques

Upfront Income Verification (UIV) (Level 6/5): The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

Current UIV resources include the following:

- a. **Enterprise Income Verification (EIV)** – The EIV System is a web-based application, which provides PHAs with employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of the Office of Public and Indian Housing (PIH). Information in EIV is derived

from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058. Use of the EIV system in its entirety is mandatory for all annual and interim re-examinations. The Lakeland Housing Authority will monitor the following EIV reports on a monthly basis – (1) Deceased Tenants Report, (2) Identity Verification Report, and the (3) Immigration Report. In addition, it will monitor on a quarterly basis the following EIV reports – (1) Income Discrepancy Report, Multiple Subsidy Report, and the New Hires Report.

- 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 Lakeland Housing Authority may 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 Lakeland 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 Lakeland 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 Lakeland 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.

The EIV Income Report must remain in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. The Lakeland Housing Authority is required to maintain at a minimum, the last three years of the form HUD-

50058, and supporting documentation for all annual and interim reexaminations of family income. All records are to be maintained for a period of at least three years from the effective date of the action. Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

2. Written Third-Party Verifications (Level 4)

An original or authentic document generated by a third-party source dated either within the 60-day period preceding the reexamination or the Lakeland Housing Authority request date. Such documentation may be in the possession of the participant (or applicant), and is commonly referred to as participant-provided documents. It is the HUD's position that such participant-provided documents are written third-party verification since these documents originated from a third-party source. The Lakeland Housing Authority may, at its discretion, reject any participant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable participant-provided documentation (generated by a third-party source) include, but are not limited to: pay stubs, payroll summary report, and employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable participant-provided documents will be used for income and rent determinations.

The LHA is required to obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the LHA will project income based on the information from a traditional written third party verification form or the best available information.

Note: Documents older than 60 calendar days (from the Lakeland Housing Authority interview/determination or request date) is acceptable for confirming effective dates of income.

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.

Note: Social Security benefit information in EIV is updated every three months. If the tenant agrees with the EIV-reported benefit information, PHAs do not need to obtain or request a benefit verification letter from the tenant.

3. Written Third-Party Verification Form (Level 3)

Also known as traditional third-party verification. A standardized form to collect information from a third-party source is distributed by the Lakeland Housing Authority. The form is completed by the third-party by hand (in writing or typeset) when sent the form by the Lakeland Housing Authority.

HUD recognizes that third-party verification request forms sent to third-party sources often are not returned. In other instances, the person who completes the verification form may provide incomplete information; or some participants may collude with the third-party source to provide false information; or the participant intercepts the form and provides false information.

HUD requires the Lakeland Housing Authority to rely on documents that originate from a third-party source's computerized system and/or database, as this process reduces the likelihood of incorrect or falsified information being provided on the third-party verification request form. The use of acceptable participant-provided documents, which originate from a third-party source, will improve the integrity of information used to determine a family's income and rent and ultimately reduce improper subsidy payments. This verification process will also streamline the income verification process. The Lakeland Housing Authority will allow five (5) calendar days for the return of third-party written verifications prior to continuing on to the next type of verification.

4. Oral Third-Party Verifications (Level 2)

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, the telephone number, and the facts obtained.

The Lakeland Housing Authority will allow two (2) calendar days for the return of third-party oral verifications prior to continuing on to the next type of verification.

5. Non-Third Party Verification Technique- Tenant Declaration (Level 1)

The tenant submits an affidavit or notarized statement of reported income and/or expenses to the LHA. This verification method should be used as a last resort when the LHA has not been successful in obtaining information via all other verification techniques. When the LHA relies on tenant declaration, the LHA must document in the tenant file why third party verification was not available.

Exceptions to Third Party Verification Requirements

HUD is aware that in some situations, third party verification is not available for a variety of reasons. Oftentimes, the PHA may have made numerous attempts to obtain the required verifications with no success, or it may not be cost effective to obtain third party verification of income, assets, or expenses, when the impact on total tenant payment is minimal. In these cases, the PHA is required to document in the family file the reason(s) why third party verification was not available.

The exception to third party verification can be found at 24 CFR §960.259(c)(1) and §982.516(a)(2), which states, "The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available."

The following chart comes from PIH Notice 2010-19.

Level	Verification Technique	Ranking
6	Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	Highest (Mandatory)
5	Up-front Income Verification (UIV) using non-HUD system	Highest (Optional)
4	Written Third-Party Verification	High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when participant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute)
3	Written Third-Party Verification Form	Medium-Low (Mandatory if written third-party verification documents are not available or rejected by the PHA; and when the applicant or participant is unable to provide acceptable documentation)
2	Oral Third-Party Verification	Low (Mandatory if written third-party verification is not available)
1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third party verification)

1. Compliance with Mandated Use of EIV.

Type of file documentation required to demonstrate LHA's compliance with mandated use of EIV as a third party source to verify tenant employment and income information (24 CFR §5.233(a)(2)(i)). Please see PIH Notice 2010-09 for additional guidance.

- A. For each new admission (form HUD-50058 action type 1), the LHA is required to do the following:
 - i. Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - ii. Print and maintain a copy of the EIV Income Report in the tenant file; and

- iii. Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- B. For each historical adjustment (form HUD-50058 action type 14), the LHA is required to do the following:
 - i. Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
 - ii. Print and maintain a copy of the EIV Income Report in the tenant file; and
 - iii. Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- C. For each interim reexamination (form HUD-50058 action type 3) of family income and composition, the LHA is required to have the following documentation in the tenant file:

ICN Page when there is **no** household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report. (PHAs have the discretion to print the EIV Income report, however, only the ICN page is required.)

- D. For each annual reexamination of family income and composition, the PHA is required to have the following documentation in the tenant file:
 - i. **No Dispute of EIV Information:** EIV Income Report, current acceptable tenant-provided documentation, and *if necessary* (as determined by the PHA), traditional third party verification form(s).
 - ii. **Disputed EIV Information:** EIV Income report, current acceptable tenant-provided documentation, and/or traditional third party verification form(s) for disputed information.
 - iii. **Tenant-reported income not verifiable through EIV system:** Current tenant-provided documents, and *if necessary* (as determined by the PHA), traditional third party verification form(s).

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 Lakeland 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 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Not Allowed	Original Social Security Card, an appropriate government letter showing the number or other HUD-allowed method
Adult Status of the Head of Household		Valid drivers license, identification card issued by a government agency excluding voter registration cards, or a birth certificate
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc., verification of receipt of SSI or Social Security Disability income, EIV verification	
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	N/A
Child care costs	Letter from care provider	
Disability assistance expenses	Letters from suppliers, care givers, etc.	
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating	

Verification Requirements for Individual Items

Item to Be Verified	3 rd party verification	Hand-carried verification
	assistance or a companion animal is needed	
Medicare Prescription Drug Coverage		A card issued by a private prescription drug plan with the words Medicare Rx on it.
Value of and Income from Assets		
Savings, checking accounts	Self-Certification of assets up to \$5,000 will not require verification. Assets over \$5,000 will require 3 rd . party verification such as letter from institution.	
CDs, bonds, etc.	Certification of assets up to \$5,000 will not require verification. Assets over \$5,000 will require 3 rd . party verification such as letter from institution.	
Stocks	Certification of assets up to \$5,000 will not require verification. Assets over \$5,000 will require 3 rd party verification such as letter from institution.	
Real property	Letter from tax office, assessment, etc.	
Personal property held as an investment	Certification of assets up to \$5,000 will not require verification. Assets over \$5,000 will require an assessment letter, bluebook, etc.	
Cash value of whole life insurance policies	Certification of assets up to \$5,000 will not require verification. Assets over \$5,000 will require 3 rd . party verification such as letter from insurance company (Whole life only)	
Assets disposed of for less than fair market value	See verifications above for value at time of divestiture	Original receipt and receipt at disposition, other evidence of worth

Verification Requirements for Individual Items

Item to Be Verified	3 rd party verification	Hand-carried verification
Income		
Earned income	2consecutive paystubs or a letter from employer.	
Self-employed	Business records	Tax return from prior year, books of accounts (Schedule C)
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
Alimony/child support	Court order, letter from source, letter from Human Services	
Social Security Administration	EIV verification	Current 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.	Self-Certification for fully excluded income (i.e. food stamps)
Training program participation	Letter from program provider indicating - whether enrolled - whether training is HUD-funded - whether State or local program - whether it is employment training - whether payments are for out- of-pocket expenses incurred in order to participate in a program	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 non-citizens 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 non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Lakeland Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Lakeland Housing Authority also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Lakeland 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 assisted in the Section 8 Program, although if they are members of families with other eligible members, the family can pay a pro-rated rent.

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 Lakeland 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, every family member regardless of age must provide the Lakeland Housing Authority with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a Social Security Number, the family shall have ninety (90) calendar days after starting to receive the assistance to provide a complete and accurate Social Security Number. The Lakeland Housing Authority may grant one ninety (90) day extension for newly-added family members under the age of six if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification. Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 is exempt from the required disclosure of their Social Security Number. This exemption continues even if the individual moves to a new assisted unit.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the Lakeland Housing Authority will accept an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

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 an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The Lakeland Housing Authority may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

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.

For each family member, citizenship/eligible noncitizen status will be verified only once unless the person has an immigrant status that will change (common when people are fleeing oppressive regimes). In this case, verification of immigration status will continue until the person is 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 DISCREPANCIES IN VERIFIED INFORMATION

An EIV Income Report shall be pulled from the system before annual or interim reexamination are conducted for any family and compared with family-reported information. If the EIV report reveals an income source that was not reported by the participant or a substantial difference (defined as \$2400 or more annually) in the reported income information, the Lakeland Housing Authority will:

- A. Discuss the income discrepancy with the participant; and
- B. Request the participant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
- C. In the event the participant is unable to provide acceptable documentation to resolve the income discrepancy, the Lakeland Housing Authority will request from the third party source, any information necessary to resolve the income discrepancy; and
- D. If applicable, determine the participant's underpayment of rent as a result of unreported or underreported income, retroactively*; and
- E. Take any other appropriate action.

*The Lakeland Housing Authority will determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

The participant will be provided an opportunity to contest the Lakeland Housing Authority's determination of overpayment of the HAP. Participants will be promptly notified in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The participant may contest the findings in accordance with established grievance procedures. The Lakeland Housing Authority will not terminate,

deny, suspend, or reduce the family's assistance until the expiration of any notice or grievance period.

When there is an unsubstantial or no disparity between participant-reported and EIV-reported income information, the Lakeland Housing Authority will obtain from the participant, any necessary documentation to complete the income determination process. As noted previously, the Lakeland Housing Authority may reject any participant-provided documentation, if the Authority deems the documentation unacceptable. Documentation provided by the participant will only be rejected for only the following reasons:

- A. The document is not an original; or
- B. The original document has been altered, mutilated, or is not legible; or
- C. The document appears to be a forged document (i.e. does not appear to be authentic).

The Lakeland Housing Authority will explain to the participant, the reason(s) the submitted documents are not acceptable and request the participant to provide additional documentation. If at any time, the participant is unable to provide acceptable documentation that the Lakeland Housing Authority deems necessary to complete the income determination process, the Authority will submit a traditional third-party verification form to the third-party source for completion and submission to the Lakeland Housing Authority.

If the third-party source does not respond to the Lakeland Housing Authority's request for information, the Authority is required to document the participant file of its attempt to obtain third-party verification and that no response to the third party verification request was received.

The Lakeland Housing Authority will then pursue lower level verifications in accordance with the verification hierarchy.

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 real rent for the unit to the rent of comparable units in the same or comparable neighborhoods that are not assisted under any federal, state or local program. 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 Lakeland 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 non-insured 236 project, a 515 project of the Rural Development Administration, a Section 202 or 811 project, 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. Furthermore, if any of the units also receive the benefit of a State, local, or federal housing subsidy (e.g., Section 8 project-based housing assistance payments contract), they are ineligible units under the HCV program.

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 Lakeland Housing Authority will review its determination of the payment standard annually after publication of the FMRs. The Lakeland 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 neighborhoods impacted by poverty 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 Lakeland 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 go to 120%.

If a higher payment standard is needed as a reasonable accommodation, the Lakeland Housing Authority shall submit the following to HUD:

- A. Note whether the family is an applicant or participant family.
- B. The number of household members including a live-in aide/s.
- C. The voucher size the family is issued under the PHA's subsidy standards or any exception to those standards granted through a reasonable accommodation request; e.g., as a reasonable accommodation, a single-person family may be issued a two-bedroom voucher due to a need to store medical equipment.
- D. The FMR for the voucher size or unit size, whichever is smaller.
- E. When either the disability or the need for the requested accommodation is not known or readily apparent, a statement from a health care provider regarding the need for the reasonable accommodation and the features of the unit (which may include its location) which meet that person's needs.
- F. The contract rent and utility allowance for the unit.
- G. A statement from the PHA 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 where such a statement is necessary (see E. above).
- H. The household's monthly adjusted income.
- I. Proposed effective date of the new lease or actual effective date of the lease renewal.

If a higher payment standard is needed as a reasonable accommodation, the Lakeland 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/disabilities 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 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 Lakeland 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.
- E. 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

Plus any rent above the payment standard.

B. Minimum Rent.

The Lakeland Housing Authority has set the minimum rent as \$50.00. However, if the family requests a hardship exemption, the Lakeland 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 Lakeland 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 I(i) of this section does not apply; and
 - ii. The new family unit size must be used to determine the payment standard.
- 2. The Lakeland 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 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 Lakeland Housing Authority.

The Housing Authority uses the appropriate utility allowance for the size of voucher based on subsidy standards rather than the actual unit size leased. 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 belongs to the participant.

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 eight business days of when due after the first two months of the HAP contract term, the owner may charge the Lakeland Housing Authority a late payment, agreed to in the Contract and in accordance with generally accepted practices in the Lakeland 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 Lakeland Housing Authority.

A housing assistance payment is considered made upon being mailed by the Lakeland 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 Lakeland 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 Lakeland Housing Authority's rent payment or the address as to where the rent payment should be sent.

In addition, the Lakeland 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 Lakeland 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 Lakeland Housing Authority will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Housing Choice Voucher Program unless the HQS requirement is met. Units will be inspected at least every two years, and at other times as needed, to determine if the units meet HQS.

12.1 TYPES OF INSPECTIONS

There are seven types of inspections the Lakeland Housing Authority will perform:

- A. Initial Inspection – An inspection that must take place to insure that the unit passes HQS before assistance can begin.
- B. Annual/Biennial 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) – The Lakeland housing authority does not have HAP contracts executed prior to October 2, 1995 and therefore will not conduct any move out inspections.
- G. Quality Control Inspection – Supervisory inspections based on the following HUD requirements:
 - 50 or less 5 files
 - 51-600 5 files + 1 files for each 50 (or part of 50) over 50
 - 601-2000 16 files + 1 file for each 100 (or part) over 600
 - Over 2000 30 files + 1 file for each 200(or part) over 2000

12.2 SCHEDULING INSPECTION

The Lakeland Housing Authority must be allowed to inspect the dwelling unit at reasonable times with reasonable notice.

Initial Inspection - For all initial inspections the landlord will be contacted via phone or email to schedule agreed upon date and time. No inspections will be scheduled if the landlord cannot confirm that all utilities necessary are installed and functioning in order to complete the initial inspection.

Emergency Inspection- Emergency inspections must be completed within 24 hours of complaint or identification of HQS failed item. Typically if the emergency deficiency is noted within the regular HQS process, the inspector will provide verbal or written notice that an inspection will be conducted within 24 hours. There may be circumstances where the emergency item is reported through a complaint call or notice, in these cases the LHA will make reasonable to contact the tenant and landlord to provide reasonable notice of the inspectors arrival.

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

Pursuant PIH Notice 2012-17 Owner and Tenant must follow the industry procedures when controlling and preventing bed bugs. Additionally, LHA will follow PIH Notice 2013-17, Review of existing HQS requirements and the use of photos to improve HQS oversight.

12.3 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 Lakeland Housing Authority will take prompt and vigorous action to enforce the owner obligations. The Lakeland 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 Lakeland 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 Lakeland Housing Authority and the Lakeland 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 Lakeland 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. If two 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 Lakeland 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;
 - 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).
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 Lakeland Housing Authority approved extension).

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

12.4 HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401

The LHA will follow HUD guidance in 24 CFR 982.401, as well as:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)
- HUD Notice 2003-31, Accessibility Notice:
- Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988.
- PIH Notice 2012-17 Owner and Tenant must follow the industry procedures when controlling and preventing bed bugs
- PIH Notice 2013-17, Review of existing HQS requirements and the use of photos to improve HQS oversight.

The LHA may impose additional quality standards as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choice. HUD approval is required if more stringent standards are imposed. HUD approval is not required if the PHA additions are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4)].

LHA Clarifications of HUD Requirements

Thermal Environment

The heating and cooling system must be capable of maintaining an interior temperature of 70-80 degrees Fahrenheit.

The Department has no control over energy conservation measures, such as dwelling insulation or installation of storm windows and doors. The family must assess whether a dwelling without these items is acceptable; the family must take into account the cost of utilities billed to the family and personal feelings about adequate cooling or heat. Dwellings that are poorly insulated or lack storm windows are generally drafty and more difficult to heat and cool.

Walls

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

Windows

Window sashes must be in good condition, solid and intact, and properly fitted to the window frame.

Damaged or deteriorated sashes must be replaced.

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

Window screens must be in good condition (applies only if screens are present).

Doors

All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.

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

Double keyed locks and skeleton keys are not accepted in any interior or exterior door.

Door screens must be in good condition (applies only if door screens are present)

Floors

All floors must be in a finished state. Raw wood or unsealed concrete is not permitted. All floors should have some type of baseboard, trim, or sealing for a "finished look." Vinyl baseboard is permitted.

Any loose or warped boards must be re-secured and made level. If they cannot be leveled, they must be replaced.

Food Preparation and Refuse Disposal

Hot plates are not acceptable substitutes for stoves or ranges.

The oven must heat and all burners on the stove or range must work.

All stove or range knobs must be present.

The stove or range must be free of hazardous gas hook-ups, gas leaks, or electrical hazards.

The refrigerator must be of adequate size for the family and capable of maintaining a temperature low enough to keep food from spoiling.

The Department may reject the size of the refrigerator only if it clearly cannot serve the needs of the family.

Sanitary Facilities

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

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

Security

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

12.5 LEAD-BASED PAINT REQUIREMENTS AND RESPONSIBILITIES

The Lead-Based Paint Poisoning Prevention Act as amended (42 U.S.C. 4821 - 4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 and implementing regulations 24 CFR Part 35 Subparts A, B, M, and R apply to the Housing Choice Voucher Program.

12.6 EMERGENCY FAIL ITEMS

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

- A. No water
- B. No electricity
- C. Inability to maintain adequate cooling or heat
- D. Major plumbing leak
- E. Natural gas leak, propane leak or LP gas leak
- F. Security risks such as broken doors or windows that would allow intrusion or broken lock(s) on first floor doors or windows
- G. Broken windows that unduly allow weather elements into the unit
- H. Electrical hazards that impose an immediate severe threat to the health and safety of the family
- I. Unusable toilet when only one toilet is present in the unit
- J. Other conditions which pose an immediate threat to health or safety, as determined by the inspector

12.5 TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS

- A. Correcting Initial HQS Fail Items

After the completion of the initial inspection, the owner and participant will be notified in writing of the results of the inspection. If the unit fails HQS, the owner and the participant will be advised to notify the Lakeland Housing Authority when the repairs have been properly completed.

On an initial inspection, the owner will be given up to 14 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 12.6), 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 20 calendar days to correct the failed item(s).

The Lakeland Housing Authority may, at its sole discretion and depending upon the severity of the HQS deficiency, may either order a re-inspection or direct alternative means to verify that the deficiency has been corrected.

1. A re-inspection will be ordered if any items of deficiency would constitute a danger to the family's health or safety (using the emergency item in Section 12.6),
2. Alternative means of verification allowed are:
 - a. The owner may certify that the corrections have been made.
 - b. The owner may be required to present a receipt for the work required
 - c. A photograph of the corrected item may be presented by the owner
3. If alternative methods of verification are used, The Lakeland Housing Authority will confirm the remedy of the deficiency with the Participant.
4. If alternative methods of verification are used, The remedy of the deficiency will be confirmed at the next inspection.
5. A re-inspection will be ordered if any items of deficiency would constitute a danger to the family's health or safety (using the emergency item in Section 12.6),

If the owner fails to correct the HQS failed items after proper notification has been given, the Lakeland Housing Authority will abate payment and terminate the contract in accordance with Sections 12.7 and 17.0.

If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, the Lakeland 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.
3. Non-emergency items must be completed within 20 calendar days of the inspection.

D. Extensions

Owners and participants must make all extension requests in writing and the Department must receive the request prior to the deficiency correction due date. The request must include the following information:

1. State the specific deficiency that needs additional time,
2. Amount of time being requested,
3. Explanation for the need of additional time,
4. Reason why the deficiency could not be corrected within the original time period provided by the Department , and
5. Provide supporting documentation (if available).

The Department is under no obligation to approve any extension request and therefore will evaluate each request on a case-by-case basis. The Department reserves the right to approve or deny any extension request.

12.7 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 in the required timeframe, the rent for the dwelling unit will be abated.

When the deficiencies are corrected, the Lakeland 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.No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with the HQS. The notice of abatement will state that the tenant is not responsible for the Department’s portion of the rent that was abated.

The unit may remain in abatement for up to 30 days at which point the Department may terminate the HAP contract. The HAP contract automatically terminates after 180 days of non-payment.

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 Lakeland 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.

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 Lakeland Housing Authority a copy of the changes. The lease, including any changes, must be in accordance with this Administrative Plan.

Owners must notify the Lakeland 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 Lakeland Housing Authority determining them to be reasonable.

Assistance shall not be continued unless the Lakeland 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 Lakeland 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 Lakeland Housing Authority of the impending change and give the Authority 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) the Lakeland Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, (2) whether the family subsidy is correct based on the family unit size, and (3) whether the family is continuing to comply with the Lakeland Housing Authority's criminal activity standards.

LHA may opt to conduct a streamlined reexamination of income for families where 100 percent of the family's income consists of fixed income. In a streamlined reexamination, LHA will recalculate family incomes using EIV verified amounts, or by applying any published cost of living adjustments to the prior year amount

The Lakeland Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination and will include a how to complete the

recertification. The LHA will have at its discretion to complete the annual recertification online, via first class mail or phone/face to face interviews. The notice will include the date by which the family must submit their information and complete the application process.

The application will request all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent, to be returned to the Lakeland Housing Authority or completed online within 10 business days or by the reexamination due date, and/or interview. 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 Lakeland Housing Authority will determine the family's annual income and will calculate their family share.

Also, during the recertification, each household shall be asked whether any member is subject to the lifetime registration requirement under a state registration program. For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, the Housing Authority will pursue eviction and termination of the household, if based on the revised criminal records check policy the family received a pre-adverse action notice and they will have the opportunity to dispute prior to issuance termination notice using LHA's Grievance procedures.

If a family is about to be evicted from 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 eviction occurs.

14.1.1 Effective Date of Rent Changes for Annual Reexaminations

The new family share will generally be effective upon the anniversary date with a 30 calendar day 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, then 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 return the required information, a second letter will be mailed. The letter will advise client that failure to return the required paperwork will result in the Lakeland 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 will be required to report in writing any increase in household income. The LHA will complete and interim recertification if the increase is due to a new source of income. In order to promote a higher level of self-sufficiency, if the increase is from an already established source of income the increase will be captured at the next annual recertification. Decreases and/or increases of income must be reported within 30 days.

Families are required to report the following changes to the Lakeland Housing Authority within 30 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 Lakeland 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. If the family break-up results from an occurrence of domestic violence, dating violence, or stalking, the Lakeland Housing Authority will ensure that the victim retains assistance. The factors to be considered in making this decision include:
 - a. Whether the assistance should remain with family members remaining in the original assisted unit.
 - b. The interest of minor children or of ill, elderly, or disabled family members.
 - c. Whether family members are forced to leave the unit as a result of actual or threatened domestic violence, dating violence, or stalking.

- d. Whether any of the family members are receiving protection as victims of domestic violence, dating violence, or stalking and whether the abuser is still in 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 Lakeland 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 Lakeland Housing Authority will make determinations on a case by case basis.

The Lakeland Housing Authority will issue a determination within 10 business 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 if they have one, 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 Lakeland 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 Lakeland 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.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Lakeland Housing Authority will take timely action to process the interim reexamination and recalculate the family share.

14.2.1 Unstable Income 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 Lakeland Housing Authority may schedule reexaminations every 60 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 the first of the second month after the month in which the family receives notice of

the new rent amount. If the family causes a delay, then the rent increases 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 Lakeland 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 twelve 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 FALSE CERTIFICATIONS

If a Lakeland Housing Authority Housing Choice Voucher participant falsely certifies to something in their recertification application, the family will be subject to termination

15.0 TERMINATION OF ASSISTANCE TO THE FAMILY BY THE LAKELAND HOUSING AUTHORITY

The Lakeland 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 the family violates any family obligations under the program;
- B. If the family was evicted from housing assisted under the Section 8 program for serious violations of the lease;
- C. If a family member fails to sign and submit consent forms;
- D. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the Lakeland 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. Have a household member who is currently engaging in illegal use of a drug;

- F. Have a household member whose pattern of illegal drug use interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- G. Have 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. Have 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;
- J. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
- K. Have 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;
- L. Have a family member who violates any family obligations under the program;
- M. Have a family member who has been evicted from federally assisted housing in the last five years;
- N. Have a family member that Lakeland Housing Authority has ever terminated assistance for under the program;
- O. Have a family member that has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- P. Currently owes rent or other amounts to the Lakeland Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act;
- Q. Have 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;
- R. Have breached an agreement with Lakeland Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority;
- S. If a family participating in the Family Self-Sufficiency Program fails to comply, without good cause, with the family's FSS Contract of Participation;

- T. Have engaged in or threatened abusive or violent behavior towards any Lakeland Housing Authority staff member or resident;

For purposes of this section, the Lakeland Housing Authority may terminate assistance for criminal activity by a household member as authorized in this section if the Lakeland 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 Lakeland Housing Authority proposes to terminate assistance for criminal activity as shown by a criminal record, the Lakeland 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 (180 is the maximum) must be terminated from the program.

In circumstances of a family break-up, the Lakeland 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 Lakeland Housing Authority will be bound by the court's determination of which family members continue to receive assistance in the program.

15.1 THE EIV'S DECEASED TENANTS REPORT

The Lakeland Housing Authority shall generate the EIV's Deceased Tenants Report monthly shortly before disbursing HAP payments to owners to see if the system flags deceased residents. The Lakeland Housing Authority shall review the report and follow up with any listed families immediately and take any necessary corrective action as set forth in PIH Notice 2010-50 or successor publications.

If it is a single member household, notify the owner in writing of the deceased Head of Household and suspend HAP payments for any month following the month in which the death

occurred. If the property is occupied by a live-in-aide to the deceased person, the assistance will end and the landlord and aide must decide on the future of the aide's tenancy.

If an owner received HAP for any month in which the owner was ineligible to receive HAP because of a deceased tenant, the Lakeland Housing Authority will immediately notify the owner in writing of the ineligible HAP and require the owner to repay the overpayment within 30 calendar days. If the owner does not comply, the Lakeland Housing Authority will deduct the amount due to the Agency from any amounts due to the owner under any other HAP contract. If there is no other HAP contract with the owner, the Lakeland Housing Authority may seek and obtain additional relief by judicial order or action in accordance with state and local laws.

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

16.1 COMPLAINTS

The Lakeland Housing Authority will investigate and respond to complaints by participant families, owners, and the general public. The Lakeland 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 Lakeland 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 Lakeland Housing Authority decision. The notice will state that the applicant may request an informal review within 10 business days of the denial and will describe how to obtain the informal review.

B. When an Informal Review is not required

The Lakeland 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 Lakeland Housing Authority subsidy standards.
2. A Lakeland Housing Authority determination not to approve an extension or suspension of a housing choice voucher term.
3. A Lakeland Housing Authority determination not to grant approval to lease a unit under the program or to approve a proposed lease.
4. A Lakeland Housing Authority determination that a unit selected by the applicant is not in compliance with HQS.

5. A Lakeland 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 Lakeland Housing Authority.

C. Informal Review Process

The Lakeland Housing Authority will give an applicant an opportunity for an informal review of the Lakeland 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 Lakeland 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 Lakeland Housing Authority decision.
3. The Lakeland Housing Authority will notify the applicant of the Lakeland 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 one year 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority will give a participant family an opportunity for an informal hearing to consider whether the following Lakeland Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Lakeland 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 Lakeland Housing Authority utility allowance schedule.
 - c. A determination of the family unit size under the Lakeland 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 Lakeland 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 Lakeland Housing Authority will give the opportunity for an informal hearing before the Lakeland Housing Authority terminates housing assistance payments for the family under an outstanding HAP contract.

B. When a Hearing is not required

The Lakeland 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 Lakeland Housing Authority.
2. General policy issues or class grievances.
3. Establishment of the Lakeland Housing Authority schedule of utility allowances for families in the program.
4. A Lakeland Housing Authority determination not to approve an extension or suspension of a housing choice voucher term.
5. A Lakeland Housing Authority determination not to approve a unit or lease.
6. A Lakeland Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Lakeland 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 Lakeland Housing Authority determination that the unit is not in accordance with HQS because of the family size.
8. A determination by the Lakeland 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 Lakeland Housing Authority will notify the family that the family may ask for an explanation of the basis of the Lakeland 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 Lakeland Housing Authority will give the family prompt written notice that the family may request a hearing within 10 business 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 business days of the notification.

D. Hearing Procedures

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

4. Evidence

The Lakeland 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 Lakeland Housing Authority is not bound by a hearing decision:

- a. Concerning a matter for which the Lakeland 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 Lakeland Housing Authority hearing procedures.
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- c. If the Lakeland Housing Authority determines that it is not bound by a hearing decision, the Lakeland 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 one year 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 so long as the new lease includes the HUD Tenancy Addendum;
 - (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 Lakeland 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.

B. Termination of the Contract

1. Automatic termination of the contract

- a. If the Lakeland 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 lease and State and local law.

3. Termination of the HAP contract by the Lakeland 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. When the family breaks up and the Lakeland Housing Authority determines that the family members who move from the unit will continue to receive the assistance.
- d. The Lakeland 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.

If the Lakeland Housing Authority finds it necessary to terminate an owner's contract for a breach, that owner shall not participate in the program for five years from the date of the breach.

4. Final HAP payment to owner

Housing assistance payments will terminate when the lease is terminated by the owner in accordance with the lease. However, if the owner has commenced the process to evict the tenant, and if the family continues to reside in the unit, the Lakeland Housing Authority will continue to make housing assistance payments

to the owner in accordance with the HAP contract until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. The Lakeland Housing Authority may continue such payments until the family moves from or is evicted from the unit.

Housing assistance payments will also terminate if:

- a. The lease terminates;
- b. The HAP contract terminates; or
- c. The PHA terminates assistance for the family.

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 Lakeland 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 Lakeland 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 Lakeland 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. This is provided that neither subjects such a tenant to a more demanding standard than other tenants in making the determination whether to evict, or to terminate assistance or occupancy rights.
- 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." An actual and imminent threat consists of a physical danger that is real, would occur within an immediate timeframe, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

- 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 Lakeland 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 Lakeland 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 business 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. The submission of false information may be the basis for the termination of assistance or for eviction.
 - C. ***Managing conflicting documentation.*** In cases where the Lakeland Housing Authority receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the Lakeland Housing Authority may determine which is the true victim by requiring third-party documentation as described in 24 CFR 5.2007 and in accordance with any HUD guidance as to how such determinations will be made. The Lakeland Housing Authority shall honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household.

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 Lakeland 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 Lakeland 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.

Any charge against the reserve account will require prior Board of Commissioner approval.

19.0 INTELLECTUAL PROPERTY RIGHTS

No program receipts may be used to indemnify contractors or subcontractors of the Lakeland Housing Authority against costs associated with any judgment of infringement of intellectual property rights.

20.0 LAKELAND HOUSING AUTHORITY OWNED HOUSING

Units owned by the Lakeland 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 Lakeland Housing Authority will do the following:

- A. The Lakeland Housing Authority will make available through the briefing process both orally and in writing the availability of Lakeland Housing Authority owned units (notification will also include other properties owned/managed by the private sector available to Housing Choice Voucher holders).
- B. The Lakeland Housing Authority will obtain the services of an independent entity to perform the following Lakeland Housing Authority functions:
 - 1. Determine rent reasonableness for the unit. The independent entity will communicate the rent reasonableness determination to the family and the Lakeland Housing Authority.
 - 2. To assist the family in negotiating the rent.
 - 3. To inspect the unit for compliance with HQS.
- C. The Lakeland Housing Authority will gain HUD approval for the independent agency/agencies utilized to perform the above functions.
- D. The Lakeland Housing Authority will compensate the independent agency/agencies from our ongoing administrative fee income.
- E. The Lakeland 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 Lakeland Housing Authority will regularly (and 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 OWNER OR FAMILY DEBTS TO THE PHA [24 CFR 982.552]

INTRODUCTION

This Chapter describes the LHA's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the LHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the LHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the LHA, the LHA will make every effort to collect it. The LHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus
- Income tax set-off programs

22.1 PAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (b)(6-8)]

A Payment Agreement as used in this Plan is a document entered into between the LHA and a person who owes a debt to the LHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the LHA upon default of the agreement.

The LHA will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the family based on the circumstances surrounding the debt to the LHA.

There are some circumstances in which the LHA will not enter into a payment agreement.

- A. If the family already has a Repayment Agreement in place.
- B. If the LHA determines that the family committed program fraud.
- C. If the LHA determines that the debt amount is larger than can be paid back by the family in a reasonable amount of time.

The maximum length of time the LHA will enter into a payment agreement with a family is 12 months.

Prior to enter into a repayment agreement, a down payment of 25-50% will be required. The minimum amount of monthly payment for any payment agreement is \$25.00.

Payment Schedule for Monies Owed to the LHA

The Director of Housing or the designee has discretion to allow for flexibility in the payment schedule.

Late Payments

A payment will be considered to be in arrears if:

The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's payment agreement is in arrears, and the family has not contacted or made arrangements with the LHA, the LHA will:

Require the family to pay the balance in full

Pursue civil collection of the balance due

Terminate the housing assistance

Grant an extension of thirty (30) days

If the family requests a move to another unit and has a payment agreement in place and the payment agreement is not in arrears:

The family will be required to pay the balance in full prior to the issuance of a voucher.

If the family requests a move to another unit and is in arrears on a payment agreement:

The family will be required to pay the balance in full, or be terminated from the program.

If the family pays the past due amount, they will be permitted to move.

22.2 DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the LHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter, and/or;

Families who owe money to the LHA due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for program fraud as stated in the Program Integrity Addendum and/or;

Families who owe money to the LHA due to the family's failure to report increases in income will be required to pay in a lump sum within ten (10) days. If the family pays the amount in full within this time period, the LHA may continue assistance to the family.

Program Fraud

Families who owe money to the LHA due to program fraud will be required to repay in accordance with the guidelines in the Payment Agreement Section of this Chapter, and/or;

Families who owe money to the LHA due to program fraud may be required to pay in accordance with the payment procedures for program fraud as stated in the Program Integrity Addendum, and/or;

Families who owe money to the LHA due to program fraud may be required to pay the amount in full within thirty (30) days. If the full amount is paid within this time period, and the family is still eligible, the LHA may continue assistance to the family.

If a family owes an amount which equals or exceeds \$5,000.00 dollars as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the LHA will refer the case for criminal prosecution.

22.3 GUIDELINES FOR PAYMENT AGREEMENTS

The Repayment Agreements are executed between the LHA and the head of household. The Repayment Agreement must be executed by the Director of Housing or his/her designee. The payments may only be made by money order or cashier's check.

The agreement will be in default when a payment is delinquent by the 25th. of the month. If the agreement is in default, the family's assistance will be terminated unless the LHA receives the balance of the Repayment Agreement in full within (30) days of the termination notice. A Repayment Agreement will be considered to be in default when it is in arrears for one month.

No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the Repayment Agreement is current:

Family size exceeds the HQS maximum occupancy standards.

The HAP contract is terminated due to owner non-compliance or opt-out.

A natural disaster.

Additional Monies Owed: If the family already has a Repayment Agreement in place and incurs an additional debt to the LHA:

The LHA will not enter into more than one Repayment Agreement with the family.

Additional amounts owed by the family will be added to the existing payment agreement.

If a Repayment Agreement is in arrears more than (30) calendar days, any new debts must be paid in full.

**Exception to these guidelines can only be made by the Director of Housing or his/her designee.

22.4 OWNER DEBTS TO THE LHA

If the LHA determines that the owner has retained Housing Assistance Payments the owner is not entitled to, the LHA may reclaim the amounts from future Housing Assistance Payments owed the owner for any units under contract.

If future Housing Assistance Payment are insufficient to reclaim the amounts owed, the LHA will require the owner to pay the amount in full within thirty (30) calendar days.

22.5 WRITING OFF DEBTS

Debts will be written off if:

Attempts have failed through collection agencies.

The debtor's whereabouts are unknown and the debt is more than one (1) year old.

The debtor is deceased or incarcerated and debt is more than one (1) year old.

The cost to collect would exceed recovery amount.

Although the debt is removed from the ledger, it will still be permanent record and collectible.

Payments Procedures for Program Fraud or Untimely Reporting Increases

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

The maximum time period for a Repayment Agreement will be twelve (12) months, with discretion allowed by the Director of Housing or their designee.

The family will be required to prepay a percentage according to the amount owe as listed below:

- a. Up to \$1,000.00 – 40% prepay
- b. \$1,001.00 to \$2,500 – 50% prepay
- c. \$2,501.00 or more – 60% prepay

A repayment agreement will be executed for the remaining balance, with a minimum monthly payment of \$50.00

23.0 HOMEOWNERSHIP OPTION

23.1 PURPOSE

The Lakeland 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. Housing Choice Voucher (HCV) payments supplement the family's own income to assist in the purchase of a home 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 opportunities for a participant to work with a lender, , so that the family can finance purchase of the home.

HCV 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. Only **10%** of the Lakeland 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 and 23.4 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 Housing Choice Voucher program and desires to participate in the homeownership program, and meet the program eligibility requirements.
- B. At the commencement of homeownership assistance the family must be one of the following:
 - 1. Meets the definition of a “first-time homeowner”;
 - 2. A cooperative member; 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 Lakeland Housing Authority, of all the adult family members who will own the home at commencement of homeownership assistance is not less than \$20,000.

Except in the case of an elderly family or a disabled family, the Lakeland 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 the minimum income for eligibility for the homeownership program 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 Lakeland 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 Lakeland Housing Authority shall not commence homeownership assistance for a family if any family member has previously received assistance under the homeownership option, 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 the commencement of homeownership assistance, the family has entered a contract of sale.
- G. The minimum median credit score obtained from the three main credit reporting agencies must at least 600.

23.4 APPLICATION PROCESS

- A. An applicant must complete and submit the *Homeownership Application* to the HCV homeownership program administrator for review. The application includes information on income, assets, obligations, eligibility criteria, and family composition.
- B. Upon receipt of a *Homeownership Application*, the HCV program administrator determines whether an applicant meets the eligibility criteria for the program. The application review will include:
 - Evaluation of family composition and HCV rental status.
 - Review of income, savings, and disability documentation.
 - Verification that the applicant is in compliance with all lease provisions using the Lakeland Housing Authority *Landlord Reference* form.
 - Evaluation of employment history.
- C. All documentation is subject to independent verification by HCV program staff. The HCV program administrator will review the file for discrepancies or omissions. If, at any time throughout the process, the HCV program administrator sees a discrepancy in reported income, assets, or family share, he/she shall perform an interim reexamination to resolve whether further action is necessary.
- D. If, in the course of a loan application, a loan originator, or other third party, documents income not previously reported to Lakeland Housing Authority, Lakeland Housing Authority will conduct an interim reexamination of income. Should the reexamination result in a debt or proposed repayment agreement, Lakeland Housing Authority shall retain sole discretion to withdraw or suspend *Homeownership Application* subject to the outcome of any grievance procedure related to the income discrepancy. The participant family must remain on the HCV housing rental program an additional year, in good standing, before Lakeland Housing Authority will consider resubmittal of the *Homeownership Application*.

23.5 DETERMINING “MORTGAGE READY” APPLICANTS

- A. If the S8 HCV Program Administrator determines that a family meets minimum eligibility criteria, he/she may issue a *Housing Choice Voucher* and *Certificate of Eligibility* to enable the applicant to shop for a home purchase. The Program

Administrator will deliver the *Certificate of Eligibility* and a copy of the HCV *Application* to the participant. These documents will assist the applicant in determining the maximum sales price and loan amount in the pre-qualification process in conjunction with their lender.

- B. Whenever an opening occurs in the program, Lakeland Housing Authority will select the next available applicant for an intake interview. The HCV Program Administrator will interview the applicant to ensure that all the information contained in their HCV *Application* is current and that the applicant is eligible for homeownership.
- C. The issuance of a *Housing Choice Voucher* and *Certificate of Eligibility* does not guarantee that a participant will have the ability to secure a home ownership loan. Other considerations such as the housing market, an applicant's credit history, total indebtedness, and current income, will be factors that will determine a participant's ability to secure a home mortgage. All participants will qualify independently through a mortgage lender of their choice.
- D. Applications for homeownership are date-stamped. Complete applications – those with all necessary attachments in place – are placed on a waiting list in order of date and time received.
- E. A *Housing Choice Voucher* and *Certificate of Eligibility* is awarded on a first-come, first-served, basis after a participant is determined eligible and "mortgage ready." Lakeland Housing Authority will issue approximately ten *Housing Choice Vouchers* and *Certificates* each fiscal year as set forth in the Lakeland Housing Authority's Public Housing Agency Plan.
- F. The *Certificate* contains an estimate of the amount of HAP available to the family. This estimate is useful to the applicant and lender when determining income and debt ratios, and the affordability for the family.
- G. Incomplete applications will not be reviewed and will be returned to applicants for completion. A checklist of application deficiencies will be attached to the incomplete application. Participants must correct all deficiencies noted on the checklist and resubmit the checklist, complete application, and attachments, for additional consideration. Applications that are returned for incompleteness will be re-stamped and dated when they are returned complete.

23.6 HOMEBUYER EDUCATION HOMEOWNERSHIP COUNSELING

- A. Before the commencement of homeownership assistance for a family, the family must attend and satisfactorily complete homebuyer education program(s) and pre-assistance counseling required by the Lakeland Housing Authority.

Lakeland Housing Authority will provide homeownership counseling prior to issuance of a *Certificate of Eligibility*. An HCV applicant must attend and satisfactorily complete the Lakeland Housing Authority *Homebuyer Education* counseling program. The counseling program covers the topics listed below. Applicants who LHA determines are not yet

“mortgage ready” may be required to obtain additional information on any of the following issues:

1. Home maintenance (including care of the grounds);
2. Budgeting and money management;
3. Credit counseling;
4. How to negotiate the purchase price of a home;
5. How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
6. How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;
7. Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
8. Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
9. Information about the Real Estate Settlement Procedures Act (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.
10. Inspection criteria, HQS, termite, independent,
11. Taxes, insurance, and IRS requirements.
12. Post counseling requirements.

23.7 ELIGIBLE UNITS

- A. Any unit that is eligible under the rental assistance program is eligible for this program except the restrictions against purchasing a unit owned by the housing authority or precluding a unit occupied by its owner or by a person with any interest in the dwelling unit is not applicable. The types of units eligible are:
 1. Single family dwellings;
 2. Condominiums and/or townhouses;
 3. Cooperatives; and

4. Manufactured Housing and their pads.
- B. The unit must be either existing or under construction at the time the Lakeland Housing Authority determines that the family is eligible for homeownership assistance.
- 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.

The Lakeland 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 Lakeland 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.
- F. Provide for a HQS inspection of the premises by the housing authority.
- G. Provide for the opportunity of the buyer to conduct a lead based paint assessment of the unit at the cost of the buyer within 10 calendar days of the contract.
- H. Provide that the buyer is not obligated for the purchase, if financing or funding not be available

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 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. The LHA will not permit any seller or non-traditional financing. 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority at the time the purchaser and seller enter into their sale contract.

23.10 REQUIREMENTS FOR CONTINUING ASSISTANCE

- A. LHA will reexamine the family's income and composition on an annual basis. After purchase of the home the family must continue to adhere to the HUD Statement of Homeownership Obligations and the statement of family obligations in order to continue to receive a monthly housing assistance payment.
- B. Homeownership assistance will only be paid while the family is residing in the home. If the family moves out of the home, the Lakeland 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.
- C. The family must comply with the following obligations:
 - 1. The family must attend and complete ongoing homeownership and housing counseling before the end of the first, sixth and eleventh years of assistance in order for assistance to continue.

2. The family must comply with the terms of any mortgage securing debt incurred to purchase the home (or any refinancing of such debt).
 3. As long as the family is receiving homeownership assistance, use and occupancy of the home is subject to the following requirements:
 - a. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
 - b. The composition of the assisted family residing in the unit must be approved by the Lakeland 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).
 - c. The family must promptly notify the Lakeland Housing Authority if any family member no longer resides in the unit.
 - d. If the Lakeland Housing Authority has given approval, a foster child or a live-in-aide may reside in the unit.
 - e. 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.
 - f. The family must not sublease or sublet the unit.
 - g. The family must not assign the mortgage or transfer the unit.
 - h. 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. The family shall supply the Lakeland 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.
- F. The family must notify the housing authority before the family moves out of the home.
- G. The family must notify the Lakeland Housing Authority if the family defaults on a mortgage securing any debt incurred to purchase the home.
- H. During the time the family receives homeownership assistance under this program, no family member may have any ownership interest in any other residential property.
- I. Before commencement of homeownership assistance, the family must execute a statement of homeownership family obligations in the form prescribed by HUD. In the statement, the family agrees to comply with all family obligations under the homeownership option. The family must also execute the LHA statement of homeownership obligations. Families will also be provided the VAWA rights statement.
- J. The family must secure the written permission of the Lakeland Housing Authority before it refinances any debt secured by the home or places any additional secured debt on the property.
- K. The family must assure the Lakeland Housing Authority that all real estate taxes were paid on a timely basis. If they are not paid, assistance shall be terminated.
- L. The head of the household, spouse, or co-head must document earned income of no less than the federal minimum wage times 30 hours x 52 weeks, during the preceding 12 months.
- M. The applicant head of household, spouse or adult on the mortgage document must remain continuously employed (no less than 30 hours per week) while participating in the program.
- N. For eligibility purposes, continuous employment is defined as: "No gap in employment lasting more than four weeks total during the past year." Continuous employment for seasonal employees and self-employed workers is defined as two consecutive years of regular seasonal employment where LHA 'annualizes' family income when determining family rent.

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 Lakeland 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 Lakeland Housing Authority will use the appropriate payment standard for the exception payment standard area.

Once the unit has been closed and at the time of recertification, 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.

Except as noted above, the Lakeland 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. An appropriate amount for monthly maintenance expenses based on the facts of the individual property;
5. An appropriate monthly allowance for costs of major repairs and replacements based on the facts of the individual property;
6. The Lakeland 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.
8. 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.

- 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 association.
- E. The Lakeland 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.
- F. Homeownership assistance for a family terminates automatically 180 calendar days after the last housing assistance payment on behalf of the family. However, the Lakeland 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 Lakeland Housing Authority's jurisdiction with continued homeownership assistance under the housing choice voucher program. Families determined eligible for homeownership assistance by the Lakeland 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 Lakeland 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 CONTIUNUED 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority may deny permission to move with continued assistance in the following circumstances:
 - 1. The Lakeland 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 Lakeland 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. A family's homeownership assistance may be terminated if a family fails to comply with its obligations under the HCV Homeownership Program or if the family defaults on the mortgage.
- B. The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home. The family must provide Lakeland Housing Authority with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; notification of the family's household composition and income and homeownership expenses on an annual basis; and any notice of mortgage default received by the family. Except as otherwise specified in this plan, the family may not convey or transfer the home to any entity or person.
- C. Homeownership assistance may be denied or terminated in accordance with any of the provisions listed at 24CFR 982.638 and/or Lakeland Housing Authority requirements.
- D. Homeownership assistance will only be provided while the family resides in the home. If the family moves out of the home, Lakeland Housing Authority will not continue homeownership assistance commencing with the month after the family moves out. Neither the family nor the lender is obligated to reimburse LHA for homeownership assistance paid for the month the family moves out.
- E. Lakeland Housing Authority may adjust a family's homeownership assistance based upon changes in family income. The effective change shall occur 30 calendar days after the month in which a reexamination of income occurred.
- F. Participation in the HCV Homeownership Program shall continue until such time as the assistance payment amounts to zero for a period of six consecutive months. At that time the family will no longer be eligible and the HAP will be terminated. However, should the family go to zero HAP, for 180 consecutive calendar days, Lakeland Housing Authority reserves the right to extend the period past 180 calendar days, should there be documented extenuating circumstances for an extension to the time period. Such documented extenuating circumstances include but is not limited to:
 - Death in the family
 - Loss of employment or income due to no fault of the family
 - Documentation of a medical or financial hardship beyond the control of the family for a member of the assisted household

- G. Lakeland Housing Authority may terminate a working family's homeownership assistance based on a willful refusal to adhere to, or properly document, the full-time employment requirement.
- H. If a family requests to return to rental assistance, Lakeland Housing Authority may provide the family with a rental voucher, provided there is no mortgage loan default and the family has met all obligations under the HCV Homeownership Program. The family must sell the home before Lakeland Housing Authority provides rental assistance.
- I. If a family defaults on a mortgage, Lakeland Housing Authority may permit the family to move with continued assistance. The family must demonstrate that it has conveyed title of the home to the lender, or its designee, and moved from the home within the period established and approved by the lender and Lakeland Housing Authority [CFR 24 982.638(d)]. Any decision to approve or deny rental assistance is based on HCV rental program policies and procedures addressed in the Lakeland Housing Authority Administrative Plan.
- J. If an applicant family previously experienced a mortgage default under the HCV Homeownership program, Lakeland Housing Authority will convene a loan committee comprised of Lakeland Housing Authority program staff to review the new application. The panel will review the circumstances of the default, determine whether there were mitigating circumstances, and decide whether the family may qualify as a HCV Homeownership program applicant.
- K. At any time, the Lakeland Housing Authority may deny or terminate homeownership assistance in accordance with the same rules as it utilizes for the rental program.
- L. The same restrictions on admission or continued assistance in regards to criminal activities shall apply to the homeownership program as the rental program.
- M. The Lakeland Housing Authority may deny or terminate assistance for violation of participant obligations as previously described this section. for The rental program.
- N. The Lakeland Housing Authority 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 Lakeland 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.

23.16 RECAPTURE OF HOMEOWNERSHIP ASSISTANCE

- A. The Lakeland Housing Authority will not recapture any HCV homeownership assistance, unless there is an act of fraud or misrepresentation to the LHA or HUD except as provided herein. A percentage of the homeownership assistance provided to the family may be recaptured upon the family's sale or refinancing of the home.
- B. Upon purchase of the home, a family receiving homeownership assistance shall execute documentation as required by HUD, HUD and consistent with State and local law, that law that secures the Lakeland Housing Authority's right to recapture the homeownership assistance in accordance with this section. The lien securing the recapture of homeownership subsidy may be subordinated to a refinanced mortgage at the discretion of the housing authority.
- C. In the case of the sale of the home, the recapture shall be in an amount equaling the lesser of:
 - 1. The amount of homeownership assistance provided to the family, adjusted as described in Paragraph F of this section; or
 - 2. The difference between the sales price and purchase price of the home,
- D. The recapture amount shall be determined using the actual sales price of the home, unless the sale is to an identity-of-interest entity. In the case of identity-of-interest transactions, the housing authority shall establish a sale price based on fair market value.
- E. The amount of homeownership assistance subject to recapture will automatically be reduced over a 10 year period, beginning one year from the purchase date, in annual increments of 10 percent. At the end of the 10 year period, the amount of homeownership assistance subject to recapture will be zero.

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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 Lakeland 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 \$25.00 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 Lakeland Housing Authority's Personnel Policy or as determined by action of the Board of Commissioners.

25.0 SUPPORT FOR OUR ARMED FORCES

Major and important components of our armed forces are the part-time military personnel that serve in various Reserve and National Guard units. The Lakeland 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 Lakeland 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 Lakeland 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 Lakeland Housing Authority will seek a waiver of the 180 calendar day limit from HUD.

26.0 ANTI-FRAUD POLICY

The Lakeland 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 Lakeland 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 Lakeland Housing Authority shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the Lakeland 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 Lakeland Housing Authority deems appropriate.

For further guidance refer to the Program Integrity Addendum.

27.0 PROJECT-BASING HOUSING VOUCHERS

The Lakeland Housing Authority has determined that project-basing some of its housing vouchers (not to exceed 20% of the inventory) is in the community's interest. This effort is an appropriate option because it will deconcentrate poverty and expand housing and economic opportunity. The specifics of what the Housing Authority is seeking will be contained in an advertisement published in the manner prescribed by HUD that varies depending upon whether the units to be brought into the program are new construction, rehabilitated, or existing units. The actual selection of the units to be project-based shall also be in full accordance with HUD requirements.

27.1 SELECTION OF PROPERTIES TO PROJECT-BASE

A. Selection Policy

The policies as set forth herein are adopted by the Lakeland Housing Authority for the purpose of administering the Section 8 Project-Based Voucher program.

The Lakeland Housing Authority will select Project-Based Voucher proposals by either of the following two methods:

1. Lakeland Housing Authority will request Project-Based Voucher Proposals. The Lakeland Housing Authority will not limit proposals to a single site or impose restrictions that explicitly or practically preclude other submissions of proposals for Project-Based Voucher housing on different sites.
2. The selection of a proposal for housing assisted under a federal, state, or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided) where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the Project-Based Voucher proposal

selection date. Also, the earlier competitive selection proposal must not have involved any consideration that the project would receive Project-Based Voucher assistance. In this case, the vouchers can be project-based merely on a vote of the Board of Commissioners.

If the Lakeland Housing Authority will be selecting proposals under A(1) of this section, the Lakeland Housing Authority will issue a Request for Proposals (RFP) inviting interested owners to participate in the Project-Based Voucher Program. In the Project-Based Voucher Program, assistance is attached to the structure and may be in the form of existing housing, newly constructed housing or rehabilitated housing. The RFP may include all forms of housing or individual forms (e.g., newly constructed housing only).

The Lakeland Housing Authority will advertise the RFP in a newspaper of general circulation for the jurisdiction, once a week for two (2) consecutive weeks. Applicants shall have thirty (30) calendar days from the last date of publication to respond by submitting their applications. Only applications submitted in response to the advertisement will be considered.

The Lakeland Housing Authority will prepare a detailed RFP package outlining;

- Program Requirements to include:
 - (1) ineligible housing types and prohibition of assistance for units in subsidized housing; and
 - (2) program accessibility requirements of section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8; and
 - (3) housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable;
- Application Requirements;
- Rating and Ranking of Applications; and
- Selection Process.

This information will be provided at the request of interested parties. The submission deadline date will also be a part of the RFP package. This will allow the Lakeland Housing Authority adequate time to examine the proposed site before the selection date. For existing housing, the Lakeland Housing Authority will inspect all of the units to determine whether the units substantially comply with the HQS.

After the closing date of the Request for Proposals, the Lakeland Housing Authority will review each proposal for completeness, determine if the proposed site meets the site

selection standards, determine that the cap on number of Project-Based Voucher units in each building has not been exceeded, and score the proposal.

After the Lakeland Housing Authority staff has made its decision, the Executive Director will present the rating and ranking of proposals, along with the recommended selection based on the scores received to the Lakeland Housing Authority Board of Commissioners for approval.

If the selection of proposals includes Lakeland Housing Authority owned property(s), the Lakeland Housing Authority will notify the HUD field office before finalizing the selection for its review of the selection.

A Housing Authority owned unit is defined as a dwelling unit owned by the Housing Authority that administers the voucher program. Housing Authority-owned means that the agency or its officers, employees, or agents hold a direct or indirect interest in the building in which the unit is located, including an interest as titleholder or lessee, or as a stockholder, member or general or limited partner, or member of a limited liability corporation, or an entity that holds any such direct or indirect interest.

The Lakeland Housing Authority 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 Ledger, which is the newspaper of general circulation for the jurisdiction. The Lakeland Housing Authority will also notify those proposers that weren't selected within five (5) business days from Board approval. The denial letter will contain the procedures for appealing the selection.

The Lakeland Housing Authority will make documentation available for public inspection regarding the basis for the Lakeland Housing Authority 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 Lakeland Housing Authority.

The Lakeland Housing Authority 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 Lakeland Housing Authority shall issue a decision on the appeal as expeditiously as possible after receiving all relevant information requested. The Lakeland Housing Authority 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 Lakeland Housing Authority 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.

B. Requirements for Selection of Project-Base Housing

1. Housing Type

The Lakeland Housing Authority may attach Project-Based Voucher assistance for units in existing housing, newly constructed housing or rehabilitated housing. A housing unit is considered an existing unit if at the time of notice of the Lakeland Housing Authority selection, the units substantially comply with HQS.

2. Prohibition of Assistance for Ineligible Units

(a) Ineligible Units

The Lakeland Housing Authority will not attach or pay Project-Based Voucher assistance for units in the following types of housing:

- (i) Shared housing;
- (ii) Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
- (iii) Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care. Units in an assisted living facility are eligible if they provide home health care services such as nursing and therapy for residents of the housing;
- (iv) Units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution;
- (v) Manufactured homes;
- (vi) Cooperative housing; and

(vii) Transitional housing.

(b) High-rise Elevator Project for Families with Children

The Lakeland Housing Authority will not attach or pay Project-Based Voucher assistance to a high-rise elevator project that may be occupied by families with children unless the Lakeland Housing Authority determines there is no practical alternative and HUD approves such finding.

(c) Prohibition Against Assistance for Owner-Occupied Unit

The Lakeland Housing Authority will not attach or pay Project-Based Voucher assistance for a unit occupied by an owner of the housing.

(d) Prohibition against Selecting a Unit Occupied by an Ineligible Family

The Lakeland Housing Authority will not select or enter into an Agreement or HAP contract for a unit occupied by a family ineligible for participation in the Project-Based Voucher Program.

3. Prohibition of Assistance for Units in Subsidized Housing

The Lakeland Housing Authority will not attach or pay Project-based Voucher assistance to units in any of the following types of subsidized housing:

(a) A public housing dwelling unit;

(b) A unit subsidized with any other form of Section 8 assistance (tenant-based or project-based);

(c) A unit subsidized with any governmental rent subsidy (a subsidy that pays all or any part of the rent);

(d) A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;

(e) A unit subsidized with Section 236 rental assistance payments (12 U.S.C. 1715z-1). However, the Lakeland Housing Authority may attach assistance to a unit subsidized with Section 236 interest reduction payments;

(f) A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949, 42 U.S.C. 1490a (a Rural Housing Service Program). However, the Lakeland Housing Authority may attach assistance for a unit subsidized with Section 515 interest reduction payments (42 U.S.C. 1485);

- (g) A Section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701q note);
- (h) Section 811 project-based supportive housing for persons with disabilities (42 U.S.C. 8013).
- (i) Section 202 supportive housing for the elderly (12 U.S.C. 1701q);
- (j) A Section 101 rent supplement project (12 U.S.C. 1701s);
- (k) A unit subsidized with any form of tenant-based rental assistance (as defined at 24 CFR 982.1(b) (2) (e.g., a unit subsidized with tenant-based rental assistance under the HOME program, 42 U.S.C. 12701 et seq.) ;
- (l) A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or by the Lakeland Housing Authority in accordance with HUD requirements. For this purpose, “housing subsidy” does not include the housing component of a welfare payment; a social security payment; or a federal, state, or local tax concession (such as relief from local real property taxes).

4. Prohibition of Excess Public Assistance

The Lakeland Housing Authority 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 Lakeland Housing Authority 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 Lakeland Housing Authority 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.

5. Cap on Number of Project-Based Voucher Units in Each Building

- (a) 25 Percent Per Building Cap

The Lakeland Housing Authority will not select a proposal to provide Project-Based Voucher assistance for units in a building or enter into an Agreement or HAP contract to provide Project-Based Voucher assistance for units in a building if the total number of dwelling units in the building that will receive Project-Based Voucher Assistance during the term of the Project-Based Voucher HAP is more than 25 percent of the number of the dwelling units in the building.

(b) Exception to 25 Percent Per Building Cap

In the following instances, Project-Based Voucher units are not counted against the 25 percent per building cap:

- (i) Units in a single-family building (4 units or less)
- (ii) Excepted units in a multi family building.

Note: "Excepted units" mean units in a multifamily building that are specifically made available for qualifying families;

"Qualifying families" means: Elderly or disabled families; or families receiving supportive services.

Supportive services mean those appropriate services made available to a family trying to achieve economic independence and self-sufficiency and may include:

- (1) *Child care - child care of a type that provides sufficient hours of operation and serves an appropriate range of ages;*
- (2) *Transportation - transportation necessary to enable a participating family to receive available services, or to commute to their places of employment;*
- (3) *Education - remedial education; education for completion of secondary or post-secondary schooling;*
- (4) *Employment - job training, preparation, and counseling; job development and placement; and follow-up assistance after job placement and completion of the contract of participation;*
- (5) *Personal welfare - substance/alcohol abuse treatment and counseling;*

- (6) *Household skills and management - training in homemaking and parenting skills; household management; and money management;*
- (7) *Other services - other services and resources, including case management, reasonable accommodations for individuals with disabilities, which the Lakeland Housing Authority determines to be appropriate in assisting families to achieve economic independence and self-sufficiency.*

6. Site Selection Standards

(a) General Requirements

The Lakeland Housing Authority will not select a proposal for existing housing, newly constructed, or rehabilitated Project-Based Voucher housing on a site or enter into an Agreement or HAP contract for units on the site until the Lakeland Housing Authority has determined that:

- (i) Project-based assistance for housing at the selected site is consistent with the goal of de-concentrating poverty and expanding housing and economic opportunities as outlined in the Lakeland Housing Authority Annual and Five-Year Plan and this Administrative Policy. In making this determination, the Lakeland Housing Authority will utilize the following factors:
 - (1) Whether the census tract in which the proposed Project-Based Voucher development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
 - (2) Whether a Project-Based Voucher development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;
 - (3) Whether the census tract in which the proposed Project-Based Voucher development will be located is undergoing significant revitalization;
 - (4) Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
 - (5) Whether new market rate units are being developed in the same census tract where the proposed Project-Based Voucher development will be located and the likelihood

that such market rate units will positively impact the poverty rate in the area;

- (6) If the poverty rate in the area where the proposed Project-Based Voucher development will be located is greater than 20 percent, the PHA should consider whether in the past five years there has been an overall decline in the poverty rate;
- (7) Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed Project-Based Voucher development will be located.

- (ii) The site is suitable from the standpoint of facilitating and furthering full compliance with applicable Civil Rights statutes and regulations, including the requirement that the site meet the Section 504 site selection requirements described in 24 FR 8.4(b)(5).

- (iii) The site meets the HQS site requirements at 24 CFR 982.401(1).

(b) Existing and Rehabilitated Housing Site and Neighborhood Standards

The Lakeland Housing Authority will determine if a site for existing or rehabilitated housing meets the following site and neighborhood standards. The site must:

- (i) Be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site. (The existence of a private disposal system and private sanitary water supply for the site, approved in accordance with law, may be considered adequate utilities.)
- (ii) Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- (iii) Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted standard housing of similar market rents.
- (iv) Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers

is not excessive. While it is important that housing for the elderly not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.

(c) New Construction Site and Neighborhood Standards

A site for newly constructed housing must meet the following site and neighborhood standards:

- (i) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
- (ii) The site must not be located in an area of minority concentration, except as permitted under paragraph (iii) below, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- (iii) A project may be located in an area of minority concentration only if:
 - (1) Sufficient comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside area of minority concentration; or
 - (2) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.

Note: "Sufficient" does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year so that, over a period of several years, it will approach an 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 locality's population.

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 locality.*
- (D) Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration*
- (E) Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.*
- (F) A significant proportion of minority households have been successful in finding units in non-minority areas under the tenant-based assistance programs.*
- (G) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.*

Application of the “overriding housing needs” criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or

restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a “revitalizing area”). An “overriding housing need,” however, may not serve as the basis for determining that a site is acceptable, if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

- (iv) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- (v) The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is a concerted program actively in progress to remedy the undesirable conditions.
- (vi) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted standard housing of similar market rents.
- (vii) Except for new construction, housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers must not be excessive.

7. Environmental Review

The Lakeland Housing Authority will not enter into an Agreement or HAP contract with an owner nor will the Lakeland Housing Authority, 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 Lakeland Housing Authority in writing of environmental approval of the site.

The Lakeland Housing Authority 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.

8. Lakeland Housing Authority Owned Units

(a) Selection of Lakeland Housing Authority Owned Units

If the Lakeland Housing Authority selects its own proposal, the HUD field office or a HUD approved independent entity will review the selection process to determine that the Lakeland Housing Authority units were appropriately selected based on the selection procedures as outlined in this Section 8 Administrative Plan.

(b) Inspection and Determination of Reasonable Rent

The Lakeland Housing Authority will have an independent entity approved by HUD perform the following program services:

- (i) Determination of rent to owner as outlined in 27.5(A) and (B). The independent entity approved by HUD must establish the initial contract rents based on an appraisal by a licensed state-certified appraiser; and
- (ii) Inspections as outlined in Section 27.2(F) of this Administrative Plan.

(c) Nature of Independent Entity

The independent entity that performs these program services may be the unit of general local government for the Lakeland Housing Authority's jurisdiction (unless the Lakeland Housing Authority is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

(d) Payment to Independent Entity and Appraiser

The Lakeland Housing Authority will compensate the independent entity and appraiser from the Lakeland Housing Authority's ongoing

administrative fee income (including the amounts credited to the administrative fee reserve). The Lakeland Housing Authority will not use other program receipts to compensate the independent entity and appraiser for their services.

The Lakeland Housing Authority, independent entity, and appraiser will not charge the family any fee for the appraisal or the services provided by the independent entity.

27.2 HOUSING QUALITY STANDARDS

The Lakeland Housing Authority will follow the policies as outlined in Section 12.0 Inspection Policies and Housing Quality Standards of this Section 8 Administrative for the Project-Based Voucher Program except when the physical condition standards at 24 CFR 5.703 do not apply to the Project-Based Voucher Program and the lead-based paint requirements at 24 CFR 982.401(j) do not apply to the Project-Based Voucher Program.

A. Inspecting Units

1. Pre-Selection Inspection

(a) Inspection of Site

The Lakeland Housing Authority will examine the proposed site to confirm its appropriateness before the proposal selection date.

2. Inspection of Existing Units

The Lakeland Housing Authority will inspect all the units before the proposal selection date and will determine whether the units substantially comply with the HQS. To qualify as existing housing, units must substantially comply with the HQS on the proposal selection date. The Lakeland Housing Authority will not execute the HAP contract until the units fully comply with the HQS.

B. Pre-HAP Contract Inspections

The Lakeland Housing Authority will inspect each contract unit before execution of the HAP contract. The Lakeland Housing Authority will not enter into a HAP contract covering a unit until the unit fully complies with the HQS.

C. Turnover Inspections

The Lakeland Housing Authority will inspect the unit before providing assistance to a new family in a contract unit. The Lakeland Housing Authority will not provide assistance on behalf of the family until the unit fully complies with the HQS.

D. Annual Inspections

1. At least annually during the term of the HAP contract, the Lakeland Housing Authority will inspect a random sample, consisting of at least 20 percent of the contract units in each building, to determine if the contract units and the premises are maintained in accordance with the HQS.

Note: Turnover inspections pursuant to paragraph C. of this section will not count toward meeting this annual inspection requirement.

2. If more than 20 percent of the annual samples of inspected contract units in a building fail the initial inspection, the Lakeland Housing Authority will re-inspect 100 percent of the contract units in the building.

E. Other Inspections

1. The Lakeland Housing Authority will inspect contract units whenever needed to determine that the contract units comply with the HQS, that the owner is complying with the HQS, and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The Lakeland Housing Authority will take into account complaints and any other information coming to its attention in scheduling inspections.
2. The Lakeland Housing Authority will conduct follow-up inspections needed to determine if the owner (or the family if responsible) has corrected an HQS violation. Additionally, the Lakeland Housing Authority will conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of the HQS.
3. The Lakeland Housing Authority will include a representative sample of both tenant-based and project-based units in conducting its supervisory quality control HQS inspections.

F. Inspecting Lakeland Housing Authority Owned Units

1. For Lakeland Housing Authority owned units, the inspections required under this section will be performed by an independent entity approved by HUD. The independent entity that performs these inspections may be the unit of general local government for the Lakeland Housing Authority jurisdiction (unless the Lakeland Housing Authority is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.
2. The independent entity shall provide a copy of each inspection report to the Lakeland Housing Authority and to the HUD field office where the project is located.

3. The Lakeland Housing Authority will take all necessary actions in response to inspection reports from the independent entity, including exercise of contractual remedies for violation of the HAP contract by the owner (Lakeland Housing Authority).

27.3 REQUIREMENTS FOR REHABILITATED AND NEWLY CONSTRUCTED UNITS

This section only applies to newly constructed or rehabilitated housing and does not apply to existing housing. Newly constructed or rehabilitated housing cannot be selected as existing housing at a later date.

A. Purpose and Content of the Agreement to Enter into HAP Contract

1. Requirement

The Lakeland Housing Authority will enter into an Agreement with the owner. The Agreement will be in the form required by HUD.

2. Purpose of the Agreement

In the Agreement, the owner agrees to develop the contract units to comply with the HQS and the Lakeland Housing Authority agrees that, upon timely completion of such development in accordance with the terms of the Agreement, the Lakeland Housing Authority will enter into a HAP contract with the owner for the contract units.

3. Description of Housing

(a) At a minimum, the Agreement will describe the following features of the housing to be developed (newly constructed or rehabilitated) and assisted under the Project-Based Voucher Program:

- (i) Site;
- (ii) Location of contract units on site;
- (iii) Number of contract units by area (size) and number of bedrooms and bathrooms;
- (iv) Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent to owner;
- (v) Utilities available to the contract units, including a specification of utility services to be paid by owner (without charges in addition to rent), and utility services to be paid by the tenant;
- (vi) Indication of whether or not the design and construction requirements of the Fair Housing Act and implementing

regulations at 24 CFR 100.205 and the accessibility requirements of section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8.22 and 8.23 apply to units under the Agreement. If these requirements are applicable, any required work item resulting from these requirements will be included in the description of work to be performed under the Agreement;

- (vii) Estimated initial rents to owner for the contract units;
- (viii) Description of the work to be performed under the Agreement. If the Agreement is for rehabilitation of units, the work description will include the rehabilitation work write up and, where determined necessary by the Lakeland Housing Authority, specifications and plans. If the Agreement is for new construction, the work description will include the working drawings and specifications.

(b) At a minimum, the housing must comply with the HQS.

The Housing Authority may elect to establish additional requirements for quality, architecture, or design of Project-Based Voucher housing over and above the HQS, and any such additional requirement must be specified in the Agreement.

B. Execution of the Agreement

1. Prohibition of Excess Subsidy

The Lakeland Housing Authority will not enter the Agreement with the owner until the subsidy layering review is completed.

2. Environmental Approval

The Lakeland Housing Authority will not enter the Agreement with the owner until the environmental review is completed and the Lakeland Housing Authority has received the environmental approval.

3. Prompt Execution of Agreement

The Agreement will be executed promptly after the Lakeland Housing Authority notice of proposal selection to the selected owner.

C. Conduct of Development Work

1. Development Requirements

The owner must carry out development work in accordance with the Agreement and the requirements of this section.

2. Labor Standards

- (a) In the case of an Agreement of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in development of the housing.
- (b) The HUD prescribed form of Agreement shall include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.
- (c) The owner and the owner's contractors and subcontractors must comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations. The Lakeland Housing Authority will monitor compliance with labor standards.

3. Equal Opportunity

- (a) The owner must comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135.
- (b) The owner must comply with federal equal employment opportunity requirements of Executive Orders 11246 as amended, 11625, 12432 and 12138.

4. Eligibility to Participate in Federal Programs and Activities

The Agreement and HAP contract will include a certification by the owner that the owner and other project principals (including officers and principal members, shareholders, investors, and other parties having a substantial interest in the project) are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

5. Disclosure of Conflict of Interest

The owner must disclose any possible conflict of interest that would be a violation of the Agreement, the HAP contract, or HUD regulations.

D. Completion of Housing

1. Completion Deadline

The owner must develop and complete the housing in accordance with the Agreement. The Agreement will specify the deadlines for completion of the housing and for submission by the owner of the required evidence of completion.

2. Required Evidence of Completion

(a) Minimum Submission

At a minimum, the owner must submit the following evidence of completion to the Lakeland Housing Authority in the form and manner required by the Lakeland Housing Authority:

- (i) Owner certification that the work has been completed in accordance with the HQS and all requirements of the Agreement; and
- (ii) Owner certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing.

(b) Additional Documentation

At the discretion of the Lakeland Housing Authority, the Agreement may specify additional documentation that must be submitted by the owner as evidence of housing completion. For example, such documentation may include:

- (i) A certificate of occupancy or other evidence that the units comply with local requirements (such as code and zoning requirements); and
- (ii) An architect's certification that the housing complies with:
 - (A) HUD housing quality standards;
 - (B) State, local, or other building codes;
 - (C) Zoning;
 - (D) The rehabilitation work write-up (for rehabilitated housing) or the work description (for newly constructed housing); or
 - (E) Any additional design or quality requirements pursuant to the Agreement.

E. Lakeland Housing Authority Acceptance of Completed Units

1. Lakeland Housing Authority Determination of Completion

When the Lakeland Housing Authority has received owner notice the housing is completed:

- (a) The Lakeland Housing Authority will inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with the HQS and any additional requirement(s) imposed by the Lakeland Housing Authority under the Agreement.
- (b) The Lakeland Housing Authority will determine if the owner has submitted all required evidence of completion.
- (c) If the work has not been completed in accordance with the Agreement, the Lakeland Housing Authority will not enter into the HAP contract.

2. Execution of HAP Contract

If the Lakeland Housing Authority determines that the housing has been completed in accordance with the Agreement and that the owner has submitted all required evidence of completion, the Lakeland Housing Authority will submit the HAP contract for execution by the owner and will then execute the HAP contract.

27.4 HOUSING ASSISTANCE PAYMENT CONTRACT

This section applies to all Project-Based Voucher assistance including assistance for existing, newly constructed, or rehabilitated housing.

A. Purpose of the HAP Contract

1. Requirement

The Lakeland Housing Authority will enter into a HAP contract with the owner. The HAP contract must be in the form required by HUD.

2. Purpose of HAP Contract

- (a) The purpose of the HAP contract is to provide housing assistance payments for eligible families.
- (b) The Lakeland Housing Authority makes housing assistance payments to the owner in accordance with the HAP contract. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term.

B. HAP Contract Information

The HAP contract must specify:

- 1. The total number of contract units by number of bedrooms;

2. Information needed to identify the site and the building or buildings where the contract units are located. The information must include the project's name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building;
3. Information needed to identify the specific contract units in each building. The information must include the number of contract units in the building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit;
4. Services, maintenance, and equipment to be supplied by the owner without charges in addition to the rent to owner;
5. Utilities available to the contract units, including a specification of utility services to be paid by the owner (without charges in addition to rent) and utility services to be paid by the tenant;
6. Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8;
7. The HAP contract term;
8. The number of units in any building that will exceed the 25 percent per building cap, which will be set-aside for occupancy by qualifying families (elderly or disabled families and families receiving supportive services); and
9. The initial rent to owner (for the first 12 months of the HAP contract term).

C. When HAP Contract is executed

1. PHA Inspection of Housing
 - (a) Before execution of the HAP contract, the Lakeland Housing Authority will inspect each contract unit in accordance with Section 27.2 B.
 - (b) The Lakeland Housing Authority will not enter into a HAP contract for any contract unit until the Lakeland Housing Authority has determined that the unit complies with the HQS.

2. Existing Housing

The Lakeland Housing Authority will promptly execute the HAP contract after the Lakeland Housing Authority selection of the owner proposal and Lakeland Housing Authority inspection of the housing.

3. Newly Constructed or Rehabilitated Housing

The Lakeland Housing Authority will execute the HAP contract after the Lakeland Housing Authority has inspected the completed units and has determined that the units have been completed in accordance with the Agreement and the owner has furnished all required evidence of completion.

When executing the HAP contract, the owner must certify that the units have been completed in accordance with the Agreement.

D. Term of the HAP Contract

1. Initial Term and Any Extensions

The Lakeland Housing Authority may enter into a HAP contract with an owner for an initial term of up to ten years for each contract unit. The length of the term of the HAP contract for any contract unit may not be less than one year, or more than ten years.

Within one year before expiration, the Lakeland Housing Authority may agree to extend the term of the HAP contract for an additional term of up to five years if the Lakeland Housing Authority determines an extension is appropriate to continue providing affordable housing for low-income families. Subsequent extensions are subject to the same limitations. Any extension of the term must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

The term and potential extensions the Lakeland Housing Authority is willing to enter into will be discussed in the project selection process.

2. Termination by the Lakeland Housing Authority – Insufficient Funding

The HAP contract will provide that the term of the Lakeland Housing Authority's contractual commitment is subject to the availability of sufficient appropriated funding (budget authority) as determined by HUD or by the Lakeland Housing Authority in accordance with HUD instructions.

Note: "Sufficient funding" means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the Lakeland Housing Authority may terminate the HAP contract by notice to the owner for all or any of the contract units. Such action by the Lakeland Housing Authority will be implemented in accordance with HUD instructions.

3. Termination by Owner – Reduction below Initial Rent

The owner may terminate the HAP contract, upon notice to the Lakeland Housing Authority, if the amount of rent to the owner is reduced below the initial approved rent. In this case, the assisted families residing in the contract units will be offered tenant-based voucher assistance.

E. HAP Contract Amendments (to add or substitute contract units)

1. Amendment to Substitute Contract Units

At the discretion of the Lakeland Housing Authority, and subject to all Project-Based Voucher requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same building for a previously covered contract unit. Prior to such substitution, the Lakeland Housing Authority will inspect the proposed substitute unit and will determine the reasonable rent for such unit and the fact that it passes HQS.

2. Amendment to Add Contract Units

At the discretion of the Lakeland Housing Authority, and provided that the total number of units in a building that will receive Project-Based Voucher assistance or other project-based assistance will not exceed 25 percent of the number of dwelling units (assisted or unassisted) in the building or the 20 percent of authorized budget authority of the Lakeland Housing Authority, a HAP contract may be amended during the three-year period immediately following the execution date of the HAP contract to add additional Project-Based Voucher contract units in the same building. An Amendment to the HAP contract is subject to all Project-Based Voucher requirements (e.g., rents are reasonable), except that a new Project-Based Voucher request for proposals is not required. The anniversary and expiration dates of the HAP contract for the additional units must be the same as for the anniversary and expiration dates of the HAP contract term for the Project-Based Voucher units originally placed under HAP contract.

3. Staged Completion of Contract Units

Even if contract units are placed under the HAP contract in stages commencing on different dates, there is a single annual anniversary for all contract units under the HAP contract. The annual anniversary for all contract units is the annual anniversary date for the first contract units placed under the HAP contract. The expiration of the HAP contract for all the contract units completed in stages must be concurrent with the end of the HAP contract term for the units originally placed under HAP contract.

4. Condition of Contract Units

(a) Owner Maintenance and Operation

The owner must maintain and operate the contract units and premises in accordance with the HQS, including performance of ordinary and extraordinary maintenance.

The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with the Lakeland Housing Authority and in the lease with each assisted family.

At the discretion of the Lakeland Housing Authority, the HAP contract may also require continuing owner compliance during the HAP term with additional housing quality requirements specified by the Lakeland Housing Authority (in addition to, but not in place of, compliance with the HUD-prescribed HQS). Such additional requirements will be designed to assure continued compliance with any design, architecture, or quality requirement specified in the Agreement.

5. Remedies for HQS Violation

The Lakeland Housing Authority will vigorously enforce the owner's obligation to maintain contract units in accordance with the HQS. The Lakeland Housing Authority will not make any HAP payment to the owner for a contract unit covering any period during which the contract unit does not comply with the HQS.

If the Lakeland Housing Authority determines that a contract unit is not in accordance with the housing quality standards (or other HAP contract requirement), the Lakeland Housing Authority may exercise any of its remedies under the HAP contract for all or any contract units. Such remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract.

6. Maintenance and Replacement – Owner’s Standard Practice

Maintenance and replacement (including redecoration) must be in accordance with the standard practice for the building concerned as established by the owner.

7. Owner Responsibility

The owner is responsible for performing all of the owner responsibilities under the Agreement and the HAP contract. 24 CFR part 982.452 applies as follows:

- (a) 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.
- (b) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
- (c) Complying with equal opportunity requirements.
- (d) Preparing and furnishing to the Lakeland Housing Authority information required under the HAP contract.
- (e) Collecting from the family:
 - (i) Any security deposit.
 - (ii) The tenant contribution (the part of rent owner not covered by the housing payment).
 - (iii) Any charges for unit damage by the family.
 - (iv) Enforcing tenant obligations under the lease.
 - (v) Paying for utilities and services (unless paid by the family under the lease).
 - (vi) Provisions on modifications to a dwelling unit occupied or to be occupied by a disabled person see the following note:

Note: Reasonable Modification of Existing Premises

(A) *It shall be unlawful for any person to refuse to permit, at the expense of a handicapped person, reasonable modifications of existing premises, occupied or to be occupied by a handicapped person, if the proposed modifications may be necessary to afford the handicapped person full enjoyment of the premises of a dwelling. In the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear expected. The landlord may not increase for handicapped persons any customarily required security deposit.*

However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the

landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.

- (B) *However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant.*

A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

8. Owner Certification

By execution of the HAP contract, the owner certifies that at such execution and at all times during the term of the HAP contract:

- (a) All contract units are in good and tenantable condition. The owner is maintaining the premises and all contract units in accordance with the HQS.
- (b) The owner is providing all the services, maintenance, equipment, and utilities as agreed to under the HAP contract and the leases with assisted families.
- (c) Each contract unit for which the owner is receiving housing assistance payments is leased to an eligible family referred by the Lakeland Housing Authority, and the lease is in accordance with the HAP contract and HUD requirements.
- (c) To the best of the owner's knowledge, the members of the family reside in each contract unit for which the owner is receiving housing assistance payments, and the unit is the family's only residence.

- (d) The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit.
- (e) The amount of the housing assistance payment is the correct amount due under the HAP contract.
- (f) The rent to owner for each contract unit does not exceed rents charged by the owner for other comparable unassisted units.
- (g) Except for the housing assistance payment and the tenant rent as provided under the HAP contract, the owner has not received and will not receive any payment or other consideration (from the family, the Lakeland Housing Authority, HUD, or any other public or private source) for rental of the contract unit.
- (h) The participating family does not own or have any interest in the contract unit.

27.5 OPERATION OF PROJECT-BASED PROPERTIES

A. Project-Based Waiting List

The Lakeland Housing Authority shall use a separate waiting list for admission to the Project-Based Section 8 Assistance Program. All applicants will be maintained by bedroom size, then preference and date and time of application. If an applicant rejects an offer of assistance of the Project-Based Assistance Program, the rejection will not alter the applicant's position on the Section 8 Voucher Tenant Based Assistance Program.

The waiting list for the Project-Based Section 8 Assistance Program will be maintained in accordance with the following guidelines:

1. The application will be a permanent file.
2. All applications will be maintained by bedroom size, preference and then in order of date and time of application.
3. Substantive contacts between the Lakeland Housing Authority and the applicant will be documented in the applicant file.

B. Admission Preferences

The preferences utilized shall be the same as is used for the Tenant Based Housing Choice Voucher Program.

C. Selection from the Waiting List

If an applicant is removed from the Project-Based Assistance Program waiting list because of the rejection of an offer of a unit, the rejection will not alter the applicants'

position on the Section 8 Tenant Based Assistance Program waiting list. Likewise, if the owner rejects the available applicant, the rejection will not be counted against the one unit offer and the family will maintain their position on the Project-Based Section 8 Assistance Program. The owner must promptly notify the Lakeland Housing Authority in writing if an applicant is rejected and the grounds for the rejection.

Under this plan, the first qualified applicant in sequence on the Section 8 Project-Based Assistance Program waiting list will be made an offer of project-based assistance based on the unit size available. If the available unit being offered is a unit with special accessibility features for persons with disabilities, the Lakeland Housing Authority will skip over families not requiring the accessible unit to reach a family who does require such accommodation. The Lakeland Housing Authority has the option of giving families who need services offered at a particular project in accordance with the limits set forth here. The prohibition on granting preferences to persons with a specific disability at 24 CFR 982.207(b) (3) continues to apply.

The preference would be limited to:

- The population of families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and
- For whom such services cannot be provided in a non-segregated setting.]

Non-mobility impaired families will be offered these units if no family on the waiting list requires these features. The applicant family will only have one chance to accept a unit offer. If the applicant family rejects the offer, his or her name will be removed from the waiting list and he or she will have to re-apply. The applicant family will be notified in writing of the reason they are being removed from the waiting list and their right to an informal review as described in Section 4.10.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

The Lakeland Housing Authority will maintain a record of units offered, including location, date and circumstances of each offer and each acceptance or rejection, including the reason for the rejection.

All Section 8 Tenant Based Assistance waiting list families who want project-based units will be permitted to place their names on the Section 8 Project-Based Assistance Program waiting list.

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

D. Project-Based Briefing

When the Lakeland Housing Authority selects a family from the waiting list, the family will be invited to attend a briefing explaining how the project-based program works. In order to be eligible for a vacant unit, all adult family members 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 Lakeland Housing Authority will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or an undue financial or administrative burden. In determining the most suitable auxiliary aid, the Lakeland 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:

1. A description of how the program works;
2. Family and owner responsibilities;
3. The fact that the subsidy is tied to the unit. After the initial 12-month period, the family has the right to move with continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance; and
4. A description of the Lakeland Housing Authority's policy on providing information to owners.

E. Project-Based Briefing Packet

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

1. How the Housing Authority determines the housing assistance payment and total tenant payment for the family (including a copy of the utility allowances);
2. 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;

3. The HUD-required lead-based paint brochure;
4. 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;
5. The family and owner responsibilities under the lease and HAP contract;
6. The grounds upon which the Housing Authority may terminate assistance because of the family's action or inaction; and
7. Lakeland 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.

F. Leasing of Contract Units

1. Owner Selection of Tenants

During the term of the HAP contract, the owner must lease contract units only to eligible families selected and referred by the Lakeland Housing Authority from the Lakeland Housing Authority waiting list.

The owner is responsible for adopting written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very-low income families and reasonably related to program eligibility and an applicant's ability to perform the lease obligations.

An owner must promptly notify in writing any rejected applicant of the grounds for any rejection.

2. Size of Unit

The contract unit leased to each family must be appropriate for the size of the family under the Lakeland Housing Authority's subsidy standards.

3. Lakeland Housing Authority Requirements for the Leasing of an Excepted Unit for Supportive Services

At the time of initial lease execution between the family and the owner, the Lakeland Housing Authority will require the family to sign a statement of family responsibility. The statement of family responsibility will contain all the family obligations, including the family's participation in a service program.

The Lakeland Housing Authority will monitor on an annual basis that “excepted families” are receiving supportive services. Additionally, the Lakeland Housing Authority will be monitoring the family to insure that the family is fulfilling their service obligation. This monitoring will consist of a meeting with the family and third party verification from the party responsible for delivery of the supportive services.

The Lakeland Housing Authority will terminate assistance to any family that fails to fulfill its service obligation without good cause.

G. Vacancies

1. Filling Vacant Units

The owner must promptly notify the Lakeland Housing Authority of any vacancy (or expected vacancy) in a contract unit. After receiving the owner notice, the Lakeland Housing Authority will make every reasonable effort to promptly refer a sufficient number of families to the owner to fill such vacancies.

The owner must lease vacant contract units only to eligible families on the Lakeland Housing Authority waiting list referred by the Lakeland Housing Authority.

It is expected that the Lakeland Housing Authority and the owner will make reasonable good faith efforts to minimize the likelihood and length of any vacancy.

2. Reducing Number of Contract Units

If any contract units have been vacant for a period of 120 calendar days or more since the owner notice of vacancy (and notwithstanding the reasonable good faith efforts of the Lakeland Housing Authority to fill such vacancies), the Lakeland Housing Authority may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (by number of bedrooms) that have been vacant for such period.

H. Tenant Screening

The Lakeland Housing Authority has no responsibility or liability to the owner or any other person for the family’s behavior or suitability for tenancy. However, it will screen applicants for family behavior or suitability for tenancy and may deny admission to an applicant based on such screening.

1. Owner Responsibility

- (a) The owner is responsible for screening and selection of families to occupy the owner’s units.

- (b) The owner is responsible for screening of families on the basis of their tenancy histories. An owner may consider a family's background with respect to such factors as:
 - (i) Payment of rent and utility bills:
 - (ii) Caring for a unit and premises:
 - (iii) Respecting the rights of other residents to the peaceful enjoyment of their housing;
 - (iv) Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
 - (v) Compliance with other essential conditions of tenancy.

2. Providing Tenant Information to Owner

- (a) The Lakeland Housing Authority will give the owner:
 - (i) The family's current and prior address (as shown in the Lakeland Housing Authority records); and
 - (ii) The name and address (if known) of the landlord at the family's current and any prior address.

[The following is optional, if your housing authority chooses this policy statement, it must apply it equally to all applicants.]

- (b) When a family wants to lease a dwelling unit, the Lakeland Housing Authority will offer the owner other information in the Lakeland Housing Authority possession about the family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members.

Note: The Lakeland Housing Authority is required to give the family a description of the Lakeland Housing Authority's policy on providing information to owners. The policy must provide that the Lakeland Housing Authority will give the same types of information to all owners.

I. Lease

1. Tenant's Legal Capacity

The tenant must have legal capacity to enter a lease under state and local law. Legal capacity means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

2. Form of Lease

The tenant and the owner must enter a written lease for the unit. Both the owner and the tenant must execute the lease.

If the owner uses a standard lease form for rental to unassisted tenants in the locality or for the premises, the lease must be in an acceptable form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a Lakeland Housing Authority model lease.

In all cases, the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

3. Required Information

The lease must specify all of the following:

- (a) The names of the owner and the tenant;
- (b) The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- (c) The term of the lease (initial term and any provision for renewal);
- (d) The amount of tenant rent to owner. The tenant rent to owner is subject to change during the term of the lease in accordance with HUD requirements;
- (e) A specification of what services, maintenance, equipment, and utilities are to be provided by the owner; and
- (f) The amount of any charges for food, furniture, or supportive services.

4. Initial Term of the Lease

The initial lease term must be for at least one year.

5. Tenancy Addendum

The tenancy addendum in the lease shall state:

- (a) The program tenancy requirements; and
- (b) The composition of the household as approved by the Lakeland Housing Authority (names of family members and any Lakeland Housing Authority live-in aide).

All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum shall prevail over other provisions of the lease.

6. Changes in Lease

If the tenant and the owner agree to any change in the lease, such change must be in writing and the owner must immediately give the Lakeland Housing Authority a copy of all such changes.

The owner must notify the Lakeland Housing Authority in advance of any proposed change in lease requirements governing the allocation of tenant and owner responsibilities for utilities. Such changes may be made only if approved by the Lakeland Housing Authority and in accordance with the terms of the lease relating to its amendment. The Lakeland Housing Authority will re-determine reasonable rent in accordance with Section 27.5 (C), based on any change in allocation of responsibility for utilities between the owner and the tenant, and the re-determined reasonable rent shall be used in calculation of rent to owner from the effective date of the change.

7. Lease Provisions Governing Tenant Absence From the Unit

The owner's lease may specify a maximum period of tenant absence from the unit that may be shorter than the maximum period permitted by the Lakeland Housing Authority in Section 2.3(H) of this Administrative Plan.

J. Security Deposit

The owner may collect a security deposit from the tenant. The Lakeland Housing Authority prohibits security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts which the tenant owes under the lease.

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

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. The Lakeland Housing Authority has no liability or responsibility for payment of any amount owed by the family to the owner.

K. Owner Termination of Tenancy and Eviction

1. In general, Section 17.0, Termination of the Lease and Contract, of this Administrative Plan applies with the exception that 17(a)(viii) (3) & (4) do not apply to the Project-based Voucher Program. In the Project-based Voucher Program “good cause” does not include a business or economic reason or desire to use the unit for an individual, family, or non-residential rental purpose. Eviction for drug and alcohol abuse applies to the Project-based Voucher Program.
2. Upon lease expiration, an owner may:
 - (a) Renew the lease;
 - (b) Refuse to renew the lease for good cause;
 - (c) Refuse to renew the lease without good cause, which case the Lakeland Housing Authority will provide the family with a tenant based voucher and the unit will be removed from the Project-based Voucher HAP contract.
3. If a family resides in a project-based unit excepted from the 25 percent per building cap on project-basing because of participation in an FSS or other supportive services program, and the family fails without good cause to complete its FSS contract of participation or supportive services requirement, such failure is grounds for lease termination by the owner.

L. Overcrowded, Under-Occupied, and Accessible Units

1. Family Occupancy of Wrong-size or Accessible Unit

The Lakeland Housing Authority’s subsidy standards determine the appropriate unit size for the family size and composition. If the Lakeland Housing Authority determines that a family is occupying a:

- (a) Wrong-size unit, or
- (b) Unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the Lakeland Housing Authority must promptly notify the family and the owner of this determination, and of the Lakeland Housing Authority’s offer of continued assistance in another unit pursuant to paragraph (2) of this section.

2. Lakeland Housing Authority Offer of Continue Assistance

If a family is occupying a wrong size unit, or a unit with accessibility features that the family does not require, and the unit is needed by a family that requires

the accessibility features, the Lakeland Housing Authority will offer the family the opportunity to receive continued housing assistance in another unit.

The Lakeland Housing Authority will offer the following housing options as continued assistance.

- (a) Project-based voucher assistance in an appropriate-size unit (in the same building or in another building);
- (b) Other project-based housing assistance (e.g., by occupancy of a public housing unit);
- (c) Tenant-based rental assistance under the voucher program; or
- (d) Other comparable public or private tenant-based assistance (e.g., under the HOME program).

3. Lakeland Housing Authority Termination of Housing Assistance Payments

If the Lakeland Housing Authority offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the Lakeland Housing Authority will terminate the housing assistance payments for a wrong-sized or accessible unit at expiration of the term of the family's voucher (including any extension granted by the Lakeland Housing Authority).

If the Lakeland Housing Authority offers the family the opportunity for another form of continued housing assistance in accordance with (2) above, and the family does not accept the offer, does not move out of the project-based voucher unit within a reasonable time as determined by the Lakeland Housing Authority, or both, the Lakeland Housing Authority will terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of a reasonable period as determined by the Lakeland Housing Authority.

M. When Occupancy May Exceed 25 Percent Cap on the Number of Project-Based Voucher Units in Each Building

1. Except as provided in Section 27.1 (B) (5), the Lakeland Housing Authority will not pay housing assistance under the HAP contract for contract units in excess of the 25 percent cap.
2. If referring families to the owner for admission to excepted units, the Lakeland Housing Authority will give preference to elderly or disabled families, or to families receiving supportive services.
3. If a family at the time of initial move-in is receiving supportive services and residing in an "excepted unit" and subsequently fulfills their commitments and continues to reside in the unit, the unit remains an "excepted unit" for as long as the family resides in the unit.

4. A family (or the remaining members of the family) residing in an excepted unit that no longer meets the criteria for a “qualifying family” in connection with the 25 percent per building cap exception (e.g., a family that does not successfully complete its FSS contract of participation or the supportive services requirement as defined in this Administrative Plan or the remaining members of a family that no longer qualifies for elderly or disabled family status) will be required to vacate the unit within a reasonable period of time established by the Lakeland Housing Authority, and the Lakeland Housing Authority will cease paying housing assistance payments on behalf of the non-qualifying family. If the family fails to vacate the unit within the established time, the unit will be removed from the HAP contract unless the project is partially assisted and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with Section 27.4 (F) or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations (e.g., a family fails, without good cause, to successfully complete its FSS contract of participation or supportive services requirement) will be terminated by the Lakeland Housing Authority.

N. 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 Lakeland Housing Authority in accordance with the lease.

If the family has elected to terminate the lease after the first year in compliance with the lease, the Lakeland Housing Authority will offer the family the opportunity for continued tenant-based rental assistance in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

Note: Before providing notice to terminate the lease, the family must contact the Lakeland Housing Authority 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 Lakeland Housing Authority 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.

27.6 RENT TO OWNER

A. Determining the Rent to Owner

1. Initial and Re-determined Rents

- (a) The amount of the initial rent to owner is established at the beginning of the HAP contract term. For rehabilitated or newly constructed housing, the Agreement states the estimated amount of the initial rent to owner, but the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.
- (b) The rent to owner is re-determined at the owner's request for a rent increase in accordance with this Section 27.5 (A) and Section 27.5 (B) . The rent to owner is also re-determined at such time when there is a five percent or greater decrease in the published FMR.

2. Amount of Rent to Owner

Except for certain tax credit units as provided in Section 27.5 (C), the rent to owner must not exceed the lowest of:

- (a) An amount determined by the Lakeland Housing Authority, not to exceed 110 percent of the applicable fair market rent (or any exception payment standard approved by HUD) for the unit bedroom size minus any utility allowance;
- (b) The reasonable rent; or
- (c) The rent requested by the owner.

3. Rent to Owner for Certain Tax Credit Units

- (a) This section applies if:
 - (i) A contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986 (see 26 U.S.C. 42);
 - (ii) The contract unit is not located in a qualified census tract;

A “qualified census tract” is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI) or where the poverty rate is at least 25 percent and where the census tract is designated as a qualified census tract by HUD.
 - (iii) In the same building, there are comparable tax credit units of the same unit bedroom size as the contract unit and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and

- (iv) The tax credit rent exceeds the applicable fair market rental (or any exception payment standard) as determined in accordance with Section 27.5 (B).
- (b) The rent to owner must not exceed the lowest of:
 - (i) The tax credit rent plus any related utility allowances and other costs;
 - (ii) The reasonable rent; or
 - (iii) The rent requested by the owner.
- (c) The “tax credit rent” is the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., additional assistance such as tenant-based voucher assistance).

4. Rent to Owner for Other Tax Credit Units

Except in the case of a tax credit unit described in the Section immediately above, the rent to owner for all other tax credit units is determined pursuant to Section 2 above.

5. Reasonable Rent

The Lakeland Housing Authority will determine reasonable rent in accordance with Section 27.5 (C). The rent to owner for each contract unit may at no time exceed the reasonable rent.

6. Use of FMRs and Utility Allowance Schedule in Determining the Amount of Rent to Owner

- (a) Amounts used:
 - (i) Determination of Initial Rent (at the beginning of the HAP contract term)

When determining the initial rent to owner, the Lakeland Housing Authority will use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. At its discretion, the Lakeland Housing Authority may use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract.

(ii) Redetermination of Rent to Owner

When re-determining the rent to owner, the Lakeland Housing Authority will use the most recently published FMR and the Lakeland Housing Authority utility allowance schedule in effect at the time of redetermination. At its discretion, the Lakeland Housing Authority may use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract.

(b) Exception Payment Standard and Lakeland Housing Authority Utility Allowance Schedule

(i) Any HUD approved exception standard amount applies to both the tenant-based and project-based voucher programs. HUD will not approve a different exception payment standard amount for use in the project-based voucher program.

(ii) The Lakeland Housing Authority may not establish or apply different utility allowance amounts for the project-based voucher program. The same Lakeland Housing Authority utility allowance schedule applies to both the tenant-based and project-based voucher programs.

7. Lakeland Housing Authority Owned Units

For Lakeland Housing Authority owned units, the initial rent to owner and the annual re-determination of rent at the annual anniversary of the HAP contract are determined by the independent entity approved by HUD in accordance with Section 27.5 (C)(6). The Lakeland Housing Authority must use the rent to owner established by the independent entity.

B. Re-determination of Rent to Owner

1. The Lakeland Housing Authority will re-determine the rent to owner:

- (a) Upon the owner's request; or
- (b) When there is a five percent or greater decrease in the published FMR.

2. Rent Increase

- (a) The Lakeland Housing Authority will not make any rent increase other than an increase in the rent to owner as outlined in 27.5(A) above.
- (b) The owner must request an increase in the rent to owner at the annual anniversary of the HAP contract by written notice to the Lakeland Housing Authority. The Lakeland Housing Authority must receive the

written notice sixty (60) calendar days before the annual anniversary date. The request must be submitted in the form and manner required by the Lakeland Housing Authority.

- (c) The Lakeland Housing Authority will not approve and the owner will not receive any increase of rent to owner until and unless the owner has complied with all requirements of the HAP contract, including compliance with the HQS. The Lakeland Housing Authority will not grant any retroactive increase of rent for any period of noncompliance.

3. Rent Decrease

If there is a decrease in the rent to owner, the rent to owner must be decreased, regardless of whether the owner requested a rent adjustment.

4. Notice of Rent Determination

The Lakeland Housing Authority will give written notice of any re-determined rent. The Lakeland Housing Authority notice of the rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract.

5. Contract Year and Annual Anniversary of the HAP Contract

- (a) The contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.
- (b) The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. The adjusted rent to owner amount applies for the period of 12 calendar months from the annual anniversary of the HAP contract.
- (c) If contract units are placed under the HAP contract in stages commencing on different dates, there is a single annual anniversary for all contract units under the HAP contract. The annual anniversary for all contract units is the annual anniversary date for the first contract units placed under the HAP contract. The expiration of the HAP contract for all the contract units completed in stages must be concurrent with the end of the HAP contract term for the units originally placed under HAP contract.

C. Reasonable Rent

1. Comparability Requirement

At all times during the term of the HAP contract, the rent to owner may not exceed the reasonable rent as determined by the Lakeland Housing Authority.

2. Redetermination

The Lakeland Housing Authority will re-determine the reasonable rent under the following circumstances:

- (a) Whenever there is a five percent or greater decrease in the published FMR in effect sixty (60) calendar days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR in effect one year before the contract anniversary;
- (b) Whenever the Lakeland Housing Authority approves a change in the allocation of responsibility for utilities between the owner and the tenant;
- (c) Whenever the HAP contract is amended to substitute a different contract unit in the same building; and
- (d) Whenever there is any other change that may substantially affect the reasonable rent.

3. How to Determine Reasonable Rent

The reasonable rent of a contract unit must be determined by comparison to rent for other comparable unassisted units. In determining the reasonable rent, the Lakeland Housing Authority will consider factors that affect market rent, such as:

- (a) The location, quality, size, unit type, and age of the contract unit; and
- (b) Amenities, housing services, maintenance, and utilities to be provided by the owner.

4. Comparability Analysis

- (a) For each unit, the Lakeland Housing Authority comparability analysis will use at least three comparable units in the private unassisted market, which may include comparable unassisted units in the premises or project.
- (b) The Lakeland Housing Authority will retain a comparability analysis that shows how the reasonable rent was determined, including major differences between the unassisted units.

- (c) The comparability analysis may be performed by the Lakeland Housing Authority staff or by another qualified person or entity. A person or entity that conducts the comparability analysis and any Lakeland Housing Authority staff or contractor engaged in determining the housing assistance payment based on the comparability analysis may not have any direct or indirect interest in the property.

5. Owner Certification of Comparability

By accepting each monthly housing assistance payment from the Lakeland Housing Authority, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give the Lakeland Housing Authority information requested by the Lakeland Housing Authority on rents charged by the owner for other units in the premises or elsewhere.

6. Determining Reasonable Rent for Lakeland Housing Authority Units

For Lakeland Housing Authority units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with Section 27.1(J), rather than by Lakeland Housing Authority staff. Reasonable rent must be determined in accordance with this Section.

The independent entity must furnish a copy of the independent entity determination of reasonable rent for Lakeland Housing Authority owned units to the Lakeland Housing Authority and to the HUD field office where the project is located.

7. Other Subsidy; Effect on Rent to Owner

In addition to the rent limits established in accordance with 27.5(A) & (B), the following restrictions apply to certain units:

- (a) HOME – for units assisted under the HOME program, rents may not exceed rent limits as required by the HOME program.
- (b) Subsidized Projects

This paragraph applies to any contract units in any of the following types of federally subsidized project:

- (i) An insured or non-insured Section 236 project;
- (ii) A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
- (iii) A Section 221(d)(3) below market interest rate (BMIR) project;

- (iv) A Section 515 project of the Rural Housing Service;
- (v) A project receiving low-income housing tax credits;
- (vi) Any other type of federally subsidized project specified by HUD.

The rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program.

(c) Combining Subsidy

Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

(d) Other Subsidy: Lakeland Housing Authority Discretion to Reduce Rent

The Lakeland Housing Authority, at its discretion, may reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants, or other subsidized financing.

(e) Prohibition of Other Subsidy

The Lakeland Housing Authority will not attach or pay Project-based Voucher assistance to units in any of the following types of subsidized housing:

- (i) A public housing dwelling unit;
- (ii) A unit subsidized with any other form of Section 8 assistance (tenant-based or project-based);
- (iii) A unit subsidized with any governmental rent subsidy (a subsidy that pays all or any part of the rent);
- (iv) A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- (v) A unit subsidized with Section 236 rental assistance payments (12 U.S.C. 1715z-1). However, the Lakeland Housing Authority may attach assistance to a unit subsidized with Section 236 interest reduction payments;
- (vi) A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949, 42 U.S.C. 1490a (a Rural Housing Service Program). However, the Lakeland Housing

Authority may attach assistance for a unit subsidized with Section 515 interest reduction payments (42 U.S.C. 1485);

- (vii) A Section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701q note);
- (viii) Section 811 project based supportive housing for persons with disabilities (42 U.S.C. 8013);
- (ix) Section 202 supportive housing for the elderly (12 U.S.C. 1701q);
- (x) A Section 101 rent supplement project (12 U.S.C. 1701s);
- (xi) A unit subsidized with any form of tenant-based rental assistance (as defined at 24 CFR 982.1(b) (2) (e.g., a unit subsidized with tenant-based rental assistance under the HOME program, 42 U.S.C. 12701 et seq.);
- (xii) A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or by the Lakeland Housing Authority in accordance with HUD requirements. For this purpose, “housing subsidy” does not include the housing component of a welfare payment; a social security payment; or a federal, state, or local tax concession (such as relief from local real property taxes).

8. Rent to Owner: Effect of Rent Control and Other Rent Limits

In addition to all the above limitations on the rent paid to the owner, if a state or local rent control requirement exists, it will apply to the property.

27.7 PAYMENT TO OWNER

A. Lakeland Housing Authority Payment to Owner for Occupied Unit

1. When Payments Are Made

The Lakeland Housing Authority will make housing assistance payments to the owner in accordance with the terms of the HAP contract.

Except for discretionary vacancy payments in accordance with 27.6(B) below, the Lakeland Housing Authority will not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

2. Monthly Payment

Monthly, the Lakeland Housing Authority will make a housing assistance payment to the owner for each contract unit that is in compliance with HQS and is leased to and occupied by an eligible family in accordance with the HAP contract.

3. Calculating Amount of Payment

The monthly housing assistance payment by the Lakeland Housing Authority to the owner for a contract unit leased to a family is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

4. Prompt Payment

The Lakeland Housing Authority will make the housing assistance payment to the owner under the HAP contract on or about the first day of the month for which payment is due, unless the owner and the Lakeland Housing Authority agree on a later date. If such an agreement has been made, it must be in writing.

5. Owner Compliance with Contract

In order to receive housing assistance payments in accordance with the HAP contract, the owner must be in compliance with all the provisions of the HAP contract. Unless the owner complies with all the provision of the HAP contract, the owner does not have a right to receive housing assistance payments.

B. Vacancy Payment

1. Payment for Move-Out Month

If an assisted family moves out of the unit, the owner may keep the housing assistance payment payable for the calendar month when the family moves out ("move-out month"). If the Lakeland Housing Authority determines that the vacancy is the owner's fault, the owner may not keep the payment.

2. Vacancy Payment

The Lakeland Housing Authority will determine the vacancy payment to the owner for each month of the maximum two-month period. The maximum two-month period is determined from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move-out month.

The vacancy payment cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner (including amounts available from the tenant's security deposit). The Lakeland Housing Authority will only allow a vacancy payment for the period the unit remains vacant.

The Lakeland Housing Authority will make vacancy payments to the owner only if:

- (a) The owner gives the Lakeland Housing Authority prompt written notice certifying that the family has vacated the unit. The written notice must contain the date when the family moved out (to the best of the owner's knowledge and belief);
- (b) The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
- (c) The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- (d) The owner provides any additional information required and requested by the Lakeland Housing Authority to verify that the owner is entitled to the vacancy payment.

The owner must submit a request for vacancy payments in the following manner:

The Lakeland Housing Authority requires vacancy payment requests to be submitted to the Housing Authority by the twenty-fifth of the month for processing. If the owner fails to meet this deadline, the check will not be cut until the following month's check run.

C. Tenant Rent; Payment to Owner

1. Lakeland Housing Authority Determination

The Lakeland Housing Authority will determine the tenant rent and effective dates of changes in rent in accordance with this Section 8 Administrative Plan. The tenant rent is the portion of the rent to owner paid by the family.

2. Tenant Payment to Owner

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The tenant rent is determined by the Lakeland Housing Authority and is the maximum amount the owner can charge the family for rent of a contract unit.

The tenant rent is payment for all housing services, maintenance, equipment, and utilities to be provided by the owner without additional charge to the tenant, in accordance with the HAP contract and lease.

The owner cannot demand or accept any rent payment from the tenant in excess of the tenant rent. The owner is required to immediately return any excess payment to the tenant.

3. Limit of Lakeland Housing Authority Responsibility

The Lakeland Housing Authority is responsible only for making housing assistance payments to the owner on behalf of a family in accordance with the HAP contract. The Lakeland Housing Authority is not responsible for paying the tenant rent, or for paying any other claim by the owner.

4. Utility Reimbursement

If the amount of the utility allowance exceeds the total tenant payment, the Lakeland Housing Authority will pay the amount of such excess as a reimbursement for tenant-paid utilities and the tenant rent to the owner shall be zero.

D. Other Fees and Charges

1. Meals and Supportive Services

In assisted living developments receiving project-based assistance, owners may charge tenants, family members, or both for meals or supportive services. These charges will not be included in the rent to owner, nor will the value of meals and supportive services be included in the calculation of reasonable rent. Non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

For any other type of project-based assistance (other than assisted living) the owner may not require the tenant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

2. Other Charges by Owner

The owner may not charge the tenant or family members extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

28.0 COST SAVING POSSIBILITIES

Unfortunately, in recent years the management of the Housing Choice Voucher Program has become more difficult for the Lakeland 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 Lakeland Housing Authority.

There are no simple solutions to the challenges the Lakeland Housing Authority faces and the actions we must take will vary depending on circumstances that are often beyond our control. Therefore, the Lakeland Housing Authority hereby establishes in its Administrative Plan the following options that the Board of Commissioners has approved staff implementing depending

on the particular circumstances of the time as authorized by PIH Notice 2005-09. They are not listed in any particular order.

There shall be one basic principle that will guide the Lakeland Housing Authority in implementing any or all of these options – what must the Lakeland 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 Lakeland Housing Authority shall endeavor to protect elderly and disabled families.

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 Lakeland 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. Since Housing Authorities do not have to wait until the HAP contract anniversary date to review owner rents and reduce them if warranted, the Housing Authority will ensure that owner rents do not exceed amounts charged for unassisted units in the same building or complex. The initial rent and all rent increases must comply with any State or local rent control limits. Further, any owner leasing promotions for unassisted tenants (e.g., the initial two months of occupancy are “rent free”) must be taken into consideration in determining rent reasonableness.

In accordance with the HAP contract, the Housing Authority will provide written notice to owners before reducing unreasonable rents. Rents may be reduced as early as the first of the following month. If the rent to owner is not reasonable as most recently determined by the Housing Authority, the owner must reduce the rent to the reasonable amount or the HAP contract must be terminated. In such cases, the family will be issued an HCV to find a new unit. (Movers, like new participants, are subject to the Housing Authority’s current payment and occupancy standards.)

- C. 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 Lakeland Housing Authority may be forced to ask for a waiver of this prohibition in order to sufficiently lower its payment standard.

- D. 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 Lakeland Housing Authority finds itself in.

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 Lakeland Housing Authority reserves the right to seek a HUD waiver of this regulatory requirement.

- E. An initial PHA may request that a receiving PHA absorb portable families for which the initial PHA is being billed. This may include the receiving PHA retroactively absorbing families for which the initial PHA was already billed and made payments. In these cases, the receiving PHA reimburses the initial PHA for payments made back to the effective date of the absorption. Both the receiving PHA and initial PHAs must agree to this arrangement. This provision provides an exception to Section 10 of Notice PIH 2008-43 on HCV Portability and Corrective Actions. (Section 10 provides that the receiving PHA may not retroactively absorb families for which the receiving PHA was previously billing for any time period that commences before 10 business days from the time the receiving PHA notifies the initial PHA of the absorption.) The Housing Authority will attempt to get receiving PHAs to absorb whenever possible.

- F. If financial circumstances dictate, the Lakeland Housing Authority may deny portability moves to a higher cost area for its Housing Choice Voucher participants and/or shoppers if the Lakeland 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 Lakeland 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.

This can only occur if the portability action would cause the Lakeland Housing Authority to be unable to avoid terminating the vouchers of current voucher participants during the affected calendar year. If a family is denied its portability request, no subsequent families will be admitted to the program until the Lakeland Housing Authority has determined that sufficient funding exists to approve the move and has notified the family that the family may now exercise its move to the higher cost area.

The Lakeland Housing Authority will notify the HUD Field Office in writing that it is denying a portability move. The notification will include:

1. A financial analysis that demonstrates insufficient funds are projected to meet the current calendar year projection of expenses. The projection must not include vouchers that have been issued but are not yet under contract.
2. A statement certifying the Lakeland Housing Authority has ceased issuing vouchers and will not admit families from their waiting list while the limitation on moves to a higher cost unit is in place.
3. A copy of this Section 8 Administrative Plan stating how the Lakeland Housing Authority will address families who have been denied moves.

If a family is denied a portability request due to lack of funding, it shall be so notified in writing when the denial is made. The letter shall include the period the family's request to move shall remain active for a period of six months and how they will be notified when funds become available.

- G. If financial circumstances dictate, the Lakeland Housing Authority may deny the right of a participant to move within the jurisdiction of the Lakeland 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 Lakeland Housing Authority has insufficient funds to pay the higher subsidy amounts.

The same HUD notification requirements as in the preceding paragraph apply. Also, if a family is denied a move within the jurisdiction due to lack of funding, it shall be so notified in writing when the denial is made. The letter shall include the period the family's request to move shall remain active for a period of six months and how they will be notified when funds become available.

- H. Housing Choice Vouchers issued to families on the waiting list that have not resulted in HAP contracts may be cancelled.
- I. The Lakeland 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 requirement that person of different generations may not apply or the requirement that people over six years old not share a bedroom with parents may not apply, 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 as early as 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 depending on the financial situation of the Authority.
- 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 Lakeland 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. In the extreme, even that it became necessary to terminate assistance to participants in order to maintain the financial integrity of the program, the Authority will terminate vouchers in accordance with the following guidance and restrictions:
1. Elderly, disabled and those families relocated as a result of governmental actions shall be exempt from this action.
 2. Project Based Housing Choice Vouchers are exempt from this action.
 3. Vouchers issued that provide less than 10% of the Total Rent will be terminated first.
 4. If additional terminations are necessary, the balance shall be done in descending order from the date of issuance. All vouchers issued on the same date shall be terminated, with the exception of any vouchers exempted from this provision, if any are terminated.
 5. Participants that are removed from the program under this provision shall be placed back on the waiting list and shall be reinstated to the program in the order that they were removed, subject to continued eligibility.

GLOSSARY

50058 Form: The HUD form that housing authorities are required to complete and electronically submit to HUD 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. Housing Authorities must retain at a minimum the last three years of the form 50058, and supporting documentation, during the term of each assisted lease, and for a period of at least three years from the end of participation date. Electronic retention of form HUD 50058 and HUD 50058-FSS and supporting documentation fulfills the record retention requirement.

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.

Bifurcate: with respect to a public housing or Section 8 lease, it means to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Business Days: Days the housing authority is open for business.

Certificate: Obsolete: 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. Persons who are continuously assisted are not counted against income targeting requirements.

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

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.

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

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

Department: The Department of Housing and Urban Development.

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

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

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

Disabled person: See "person with disabilities."

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

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

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.

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.

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.

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 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.

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 specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

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

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

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

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

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

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

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

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.

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.

Savings National Rate: An average of interest rates paid at financial institutions in the United States. It is established by the Federal Depositors Insurance Corporation and can be found at their web site at (<http://www.fdic.gov/regulations/resources/rates/>).

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. The net value of a home purchased with voucher assistance as part of a HCV Homeownership program is excluded from a family's net family income during the first 10 years of participation in the program. 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 therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

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.

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

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

Processing Entity: The person or entity that 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*.

Prorating 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.

Proscribed Criminal Activity: Criminal activity by an adult applicant that shall render the family ineligible for admission for ten years following conviction. The type of criminal activity covered by this definition includes: violent crimes

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 wipes 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 benefits 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.

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 thirty (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.

VAWA: The Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42 U.S.C. 1437d and 42 U.S. 1437f).

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.

Violent criminal activity: Violent Crimes shall be defined as including, but not necessarily being limited to, arson, battery, aggravated battery, sexual battery, rape, robbery, kidnapping, domestic violence, child abuse, aggravated child abuse, abuse of an elderly person or disabled adult, aggravated abuse of an elderly person or disabled adult, assault, sexual assault, aggravated assault, murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, unlawful throwing, placing or discharging of a destructive device or bomb, armed burglary, aggravated stalking or any other violent act considered as criminal, whether misdemeanor or felony, pursuant to the applicable laws in effect at the time, or 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.

In addition, any person convicted of drug related criminal activity (as defined in Federal regulations), unarmed burglary, vandalism or any other non-violent property crimes that could have a detrimental financial effect on the property of the Lakeland Housing Authority or its residents shall likewise be ineligible for admission for ten years from the date of conviction.

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

Voucher holder: A family holding a 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. Nonrecurring, 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.

YouthBuild Graduates: Families admitted to the Housing Choice Voucher Program with a YouthBuild Graduate preference shall be required to conform only to HUD required screening admission requirements.

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

PHA

Public Housing

ACOP (Admissions &

Continued Occupancy

Policy) 2016

ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM

Approved by the LHA Board of Commissioners: September 21 2015 Approved by HUD: 01/01/2016

Revision Date: 09/11/2015

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Chapter 1 OVERVIEW OF THE PROGRAM AND PLAN INTRODUCTION

The Housing Authority of City of Lakeland (LHA) receives its operating subsidy for the public housing program from the Department of Housing and Urban Development. LHA is not a federal department or agency. LHA is a public housing agency (PHA) and is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. LHA enters into an Annual Contributions Contract with HUD to administer the public housing program. LHA must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the LHA and its programs with emphasis on the public housing program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: LHA. This part includes a description of the LHA, its jurisdiction, its programs, and its mission and intent.

Part II: The Public Housing Program. This part contains information about public housing operation, roles and responsibilities, and partnerships.

Part III: The Admissions and Continued Occupancy (ACOP). This part discusses the purpose and organization of the plan and its revision requirements.

PART I: LHA

1-I.A. OVERVIEW

This part describes the LHA's creation and authorization, the general structure of the organization, and the relationship between the LHA Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF LHA

Public housing is funded by the federal government and administered by the Housing Authority of City of Lakeland (LHA) for the jurisdiction of City of Lakeland, Florida.

The officers of LHA are known as commissioners or, collectively, as the Board of Commissioners (Board). The Board consists of the six City of Lakeland selected Board of Commissioners and one Board-appointed LHA Resident Commissioner. The Board generally serves in the same capacity as the directors of a corporation, establishing policies under which LHA conducts business, ensuring that policies are followed by LHA staff and ensuring that LHA is successful in its mission. The Board is responsible for preserving and expanding LHA's resources and assuring LHA's continued viability.

Formal actions of LHA are taken through written resolutions, adopted by the Board and entered into the official public records of LHA and the County.

The chief administrative officer of LHA is the executive director (ED). The ED is directly responsible for all aspects of the management of LHA and for carrying out the policies established by the Board. The ED is delegated the responsibility for hiring, training and supervising LHA's staff in order to manage the day-to-day operations and to ensure compliance with federal and state laws and directives for the programs managed. In addition, the ED's duties include budgeting and financial planning for the agency and coordinating LHA's efforts with the plans and programs of other local, regional, state and federal agencies, as well as the public or private agencies or organizations that may be of assistance to LHA or that LHA may assist.

1-I.C. LHA MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides the basis for strategy development, identification of critical success factors, resource allocation decisions, as well as ensuring client and stakeholder satisfaction.

LHA Policy

LHA's mission is to provide affordable, safe, decent and sanitary housing opportunities in a fiscally responsible manner to low-income people in the City of Lakeland.

1-I.D. LHA'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, LHA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, LHA resolves to:

Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.

Provide decent, safe, and sanitary housing in good repair – in compliance with program uniform physical condition standards – for very low-and low-income families.

Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward de-concentration of poverty goals.

Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service's needs.

Promote fair housing and the opportunity for very low-and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.

Create positive public awareness and expand the level of family and community support in accomplishing LHA's mission.

Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

Administer an efficient, high-performing agency through continuous improvement of LHA's support systems and commitment to our employees and their development.

LHA will make every effort to keep residents informed of program rules and regulations, and to advise participants of how the program rules affect them.

1-I.E. Code of Conduct

1. Pursuant to the requirement of 24CFR84.42, Codes of Conduct, and 24CFR85.36, Procurement standards, no employee, officer or agent of the Housing Authority shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the entity selected for award.

2. Without the prior approval of the Executive Director, employees are prohibited from:

(a) Processing an application (or any part of an application) or any recertification for a relative, friend, co-worker, or business associate or on behalf of a relative or business associate of a co-worker;

(b) Serving as third party verification or as a reference for anyone applying or being recertified for housing assistance with LHA;

(c) Participating in an assisted housing program administered by LHA, either as a tenant or as a landlord;

(d) Entering into contracts or agreements in connection with the tenant-based programs in which any of the classes of persons outlined under 24CFR982.161, Conflict of Interest, has any interest, direct or indirect. Prior HUD approval is required if it is necessary to enter into such a contract or agreement.

(e) Inspecting units associated with the tenant-based programs if the employee has any direct or indirect interest.

3. Pursuant to 24CFR84.42, Codes of Conduct, The Housing Authority's officers, employees or agents will neither solicit nor accept gifts, gratuities, favors or anything of monetary value from parties to any agreement involving federal funds.

4. All employees shall follow the Ethical Standards Governing Employee Conduct defined in the Housing Authority's Personnel Policy, Section XIV.

5. Employees found to be in violation of any of the Code of Conduct Policy guidelines mentioned above will be disciplined according to the Housing Authority's Personnel Policy, Section XVI.

PART II: THE PUBLIC HOUSING PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff an overview of the history and operation of public housing.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act or Housing Act of 1998 – was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for PHAs to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

1-II.B. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with LHA to administer programs in accordance with HUD regulations and provides an operating subsidy to LHA. LHA must create written policies that are consistent with HUD regulations. Among these policies is LHA’s Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the board of commissioners of LHA.

The job of LHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. LHA screens applicants for public housing and, if they are found eligible and accepted, LHA offers the applicant a unit. If the applicant accepts the offer, LHA will enter into a contract with the applicant known as the lease. At this point, the applicant becomes a tenant of the public housing program.

In the context of the public housing program, a tenant is defined as the adult person(s) (other than a live-in aide who (1) executed the lease with LHA as lessee of the dwelling unit, or, if no such person now resides in the unit, (2) who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit. [24 CFR 966.53]. The Public Housing Occupancy Guidebook refers to tenants as “residents.” The terms “tenant” and “resident” are used interchangeably in this policy. Additionally, this policy uses the term “family” or “families” for residents or applicants, depending on context.

Since LHA owns the public housing development, LHA is the landlord. LHA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations, Florida Landlord Tenant Law and LHA policy. Note: Families and/or individuals living in a multifamily community where more than one housing program exist, such families must follow the most stringent rules and regulations.

1-II.C. PUBLIC HOUSING PARTNERSHIPS

Relationships between the important parties are defined by federal regulations and by contract. To administer the public housing program, LHA enters into a contractual relationship with HUD through the Annual Contributions Contract (ACC). LHA also enters into a contractual relationship with the tenant through the public housing lease. These contracts outline the roles and responsibilities of each party.

Federal regulations further identify the important roles of the parties involved. For the program to work and be successful, all parties involved – HUD, LHA, and the tenant – must play their important parts. The chart on the following page illustrates key aspects of these relationships.

The Public Housing Relationships



What does HUD do?

Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

Develop regulations, requirements, handbooks, notices and other guidance to implement housing legislation passed by Congress

Allocate operating subsidies to LHA

Allocate capital funding to LHA

Provide technical assistance to LHA on interpreting and applying program requirements

Monitor LHA compliance with program requirements and LHA performance in program administration.

What does LHA do?

LHA's responsibilities originate in federal regulations and the ACC. LHA owns and manages public housing developments, administers the program under contract with HUD and has the following major responsibilities:

Establish local policies

Review applications from interested applicant families to determine whether applicants are eligible for the program

Maintain waiting list and select families for admission

Maintain housing units by making any necessary repairs in a timely manner

Screen families who apply for tenancy, to determine if they will be eligible renters

Offer units to families (minimize vacancies without overcrowding)

Maintain properties to the standard of decent, safe, sanitary, and in good repair (including assuring compliance with uniform physical conditions standards)

Make sure LHA has adequate financial resources to maintain its housing stock

Ensure that families continue to qualify under the program

Collect rent due from the assisted family and comply with and enforce provisions of the lease

Ensure that families comply with program rules

Provide families with prompt and professional service

Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the ACC, HUD-approved applications for funding, LHA's ACOP, and other applicable federal, state and local laws.

What does the Tenant do?

The tenant's responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

Comply with the terms of the lease.

Provide LHA with complete and accurate information, determined by LHA to be necessary for administration of the program.

Cooperate in attending all appointments scheduled by LHA.

Allow LHA to inspect the unit at reasonable times and after legal notice.

Take responsibility for care of the housing unit, including any violations of uniform physical condition standards caused by the family.

Not engage in drug-related, alcohol-related or violent or other criminal activity.

Written 30 day notification to LHA before moving or termination of the lease.

Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assign the lease.

Notify LHA of any changes in family composition or income within ten (10) days of the change.

Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Leased Projects – General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES (ACOP)

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The ACOP is LHA’s written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements. The ACOP is required by HUD and it must be available for public review [CFR 24 Part 903]. The ACOP also contains policies that support the objectives contained in LHA’s Agency Plan.

All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. LHA is responsible for complying with all changes in HUD regulations pertaining to public housing. If such changes conflict with this plan, HUD regulations will have precedence.

1-III.B. CONTENTS OF THE POLICY

Unlike the housing choice voucher program, HUD regulations for public housing do not contain a list of what must be included in the ACOP. However, individual regulations contain requirements of inclusion in LHA’s written policy. At a minimum, the ACOP plan should cover LHA policies on these subjects:

The organization of the waiting list and how families are selected and offered available units, including any LHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening LHA waiting list (Chapters 4 and 5) Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 12) Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed (Chapters 3 and 5) Procedures for verifying the information the family has provided (Chapter 7) The method for achieving de-concentration of poverty and income-mixing of public housing developments (Chapter 4) Grievance procedures (Chapter 14) Policies concerning payment by a family to LHA of amounts the family owes LHA (Chapter 15 and 16) Interim redeterminations of family income and composition (Chapter 9) Policies regarding community service requirements; (Chapter 11) Policies and rules about safety and ownership of pets in public housing (Chapter 10).

New Approach to Policy Development

HUD has developed an approach to monitoring policy that emphasizes the importance of consistency. The ACOP supports that goal by clearly defining LHA policy for management and staff.

A primary focus of programs like HUD’s Rental Integrity Monitoring (RIM) program has been consistency in how PHAs conduct their business and in how HUD monitors PHA activities. HUD has made it clear that consistency in PHA conduct is important. Referring to and following the ACOP is essential to maintaining consistency in applying PHA policy.

HUD makes a distinction between:

Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects LHA to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies LHA has adopted. LHA's Admissions and Continued Occupancy Policy is the document that contains and clarifies LHA policy. HUD's new direction adds additional emphasis to the need for a clearly written and comprehensive ACOP to guide staff in the clear and consistent application of policy. HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. Therefore, following HUD guidance in the preparation of LHA policy, even though it is not mandatory, provides LHA with a "safe harbor." If LHA adopts its own optional policy, it must make its own determination that such policy is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than that suggested by HUD, but LHA should carefully think through those decisions and be able to articulate how their policy is consistent with federal laws, regulations and mandatory policy.

1-III.C. UPDATING AND REVISING THE POLICY

LHA will revise this ACOP as needed to comply with changes in HUD regulations. The original policy and any changes must be approved by the board of commissioners of LHA, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

LHA Policy

LHA will review and update the ACOP at least once a year, and more often if needed, to reflect changes in regulations, LHA operations, or when needed to ensure staff consistency in operation.

Chapter 2 FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring LHA to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of LHA's public housing operations.

This chapter describes HUD regulations and LHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of LHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of LHA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This part incorporates HUD's Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the *Federal Register* ("Notice of Guidance").

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require LHA to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, disability sexual orientation and gender identity. LHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Violence Against Women Act of 2005 (VAWA)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted
- When more than one civil rights law applies to a situation, the laws will be read and applied together.

LHA Policy

LHA will apply any and all fair housing state laws and local city and county codes that apply including but not limited to: any Florida State or Polk County or the City of Lakeland.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as LHA policies, can prohibit discrimination against additional classes of people.

LHA shall not discriminate because of race, color, sex, sexual orientation, gender identity, marital status, religion, familial status, age, disability, national origin, sexual orientation and gender identity (called “protected classes”). Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

LHA Policy

In addition to Federal protected classes, LHA will not discriminate on the basis of legal sources of income, sexual orientation, gender identity, domestic partnership, marital status, and age.

LHA will not use any of these factors to:

Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program

Provide housing that is different from that provided to others

Subject anyone to segregation or disparate treatment

Restrict anyone's access to any benefit enjoyed by others in connection with the housing program

Treat a person differently in determining eligibility or other requirements for admission

Steer an applicant or tenant toward or away from a particular area based on any of these factors

Deny anyone access to the same level of services

Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program

Discriminate in the provision of residential real estate transactions

Discriminate against someone because they are related to or associated with a member of a protected class

Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families

LHA must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, LHA will provide information to public housing applicant families about civil rights requirements.

Discrimination Complaints

If an applicant or tenant family believes that any family member has been discriminated against by LHA, the family should advise LHA. HUD requires LHA to make every reasonable attempt to determine whether the applicant's or tenant family's assertions have merit and take any warranted corrective action.

LHA Policy

Applicants or participants who believe that they have been subject to unlawful discrimination may notify LHA in writing. They may contact LHA in person, by email or through regular mail. Complaints should be submitted to the LHA Director of Housing Office, 430 Hartsell Avenue, Lakeland, Florida 33815 or emailed to

Lakelandhousing@lakelandhousing.org

LHA will attempt to remedy discrimination complaints made against LHA.

Complaints may be discussed informally. A summary of such discussion shall be prepared within a reasonable time and one copy shall be given to the Tenant and one retained in the LHA's Tenant file. The summary shall specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint. If satisfactory resolution is not achieved within 30 calendar days of receiving the complaint, LHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program. LHA must ensure that persons with disabilities have full access to LHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program [24 CFR 8].

LHA must provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a handicap of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy [24 CFR 966.7(b)].

LHA Policy

Information of the availability of reasonable accommodation will be provided to all families at the time of application. LHA will also ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by LHA. LHA will keep an updated Reasonable Accommodation Procedure in place for staff to rely upon for uniformity in treatment.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A "reasonable accommodation" is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for LHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2-II.E), LHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability
- Installing a ramp into a dwelling or building
- Installing grab bars in a bathroom
- Installing visual fire alarms for hearing impaired persons
- Allowing a LHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit.
- Providing a designated handicapped-accessible parking space
- Allowing an assistance animal
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with LHA staff
- Displaying posters and other housing information in locations throughout LHA's office in such a manner as to be easily readable from a wheelchair

2-II.C. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that LHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to LHA's programs and services.

If the need for the accommodation is not readily apparent or known to LHA, the family must explain the relationship between the requested accommodation and the disability.

LHA Policy

LHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, LHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, LHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to LHA's programs and services.

If a person's disability is obvious or otherwise known to LHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to LHA, LHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, LHA will follow the verification policies provided in Chapter 7.

All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16 (Program Administration). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- LHA must request only information that is necessary to evaluate the disability-related need for the accommodation. LHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.

In the event that the PHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the PHA will dispose of it. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26] LHA must approve a request for an accommodation if the following three conditions are met.

The request was made by or on behalf of a person with a disability.

There is a disability-related need for the accommodation.

The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on LHA, or fundamentally alter the nature of LHA's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of LHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, LHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that LHA may verify the need for the requested accommodation.

LHA Policy

After a request for an accommodation is presented, LHA will respond, in writing, within 14 business days.

LHA will notify the family in writing if the request is approved.

If LHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal LHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

If LHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of LHA's operations), LHA will notify the family in writing of its decision. The notice will inform the family of the right to appeal LHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

If LHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of LHA's operations), but has determined there is an alternative accommodation that could effectively address the family's disability related need without a fundamental alteration to the public housing program without imposing an undue financial and administrative burden, LHA will notify the family in writing. The notification will inform the family of the right to appeal LHA's decision through an informal hearing (if applicable) or the grievance process (see Chapter 14).

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require LHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to LHA's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, LHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

LHA Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available through the Florida Relay System.

To meet the needs of persons with vision impairments, Braille, large-print, and audio versions of key program documents can be made available upon request. Since large print and audio presentation are a much more cost effective alternative accommodation, LHA reserves the right to charge direct fees for the cost of converting documents to Braille and must notify requestor of any fees that will be charged before acquiring the service to convert documents to Braille. .

When visual aids are used in public meetings or presentations, or in meetings with PHA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

LHA must comply with a variety of regulations pertaining to physical accessibility, including the following.
Notice PIH 2010-26

Section 504 of the Rehabilitation Act of 1973

The Americans with Disabilities Act of 1990

The Architectural Barriers Act of 1968

The Fair Housing Act of 1988 LHA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

This policy, the Admissions and Continued Occupancy Policy, describes the key policies that govern LHA's responsibilities with regard to physical accessibility.

Notice PIH 2002-01(HA) Accessibility Notice (which must be posted in the public housing offices in a conspicuous place) summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.

LHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of LHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A LHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 966.7].

When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing [24 CFR 960.208(a)].

When a family receives a lease termination notice, LHA must inform the family of their right to request a hearing in accordance with LHA's grievance process [24 CFR 966.4(1)(3)(ii)].

When reviewing reasonable accommodation requests, LHA must consider whether reasonable accommodation will allow the family to overcome the problem that led to LHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, LHA must make the accommodation [24 CFR 966.7].

In addition, LHA must provide reasonable accommodation for persons with disabilities to participate in the hearing process [24 CFR 966.56(h)].

LHA Policy LHA will include a statement on the bottom of each denial or termination notice that states: "You have the right to contact Legal Aide Services regarding this notice."

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published December 19, 2003 in the *Federal Register*.

LHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Admissions and Continued Occupancy Policy, LEP persons are public housing applicants and resident families, and parents and family members of applicants and resident families.

In order to determine the level of access needed by LEP persons, LHA will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the public housing program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to LHA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on LHA.

2-III.B. ORAL INTERPRETATION

In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, LHA will generally offer, or ensure that the family is offered through other sources, competent interpretation services free of charge to the LEP person. The only exception to this rule is when an appointment is scheduled and confirmed, but the applicant or participant fails to attend the scheduled and confirmed appointment. When this occurs, the applicant or participant may be charged for the amount LHA is billed for the missed appointment.

LHA Policy

LHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible, LHA will train and hire bilingual staff to be available to act as interpreters and translators, or will pool resources with other PHAs, and will standardize documents when possible. Where feasible and possible, LHA will encourage the use of qualified community volunteers.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by LHA. The interpreter may be a family member or friend.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

LHA Policy

In order to comply with written-translation obligations, LHA will take the following steps:

LHA will provide written translations of vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, LHA may not translate vital written materials, but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, LHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If LHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to LHA's public housing program and services.

LHA Policy

LHA has developed an agency wide LEP Policy. The Policy will be reviewed annually and revised as needed to meet its population's needs.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or has a record of such impairment, or is regarded as having such impairment the phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- "Major life activities" includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.
- "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- "Is regarded as having an impairment" is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.
- The definition of a person with disabilities does not include:
 - Current illegal drug users
 - People whose alcohol use interferes with the rights of others

- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition of disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations. The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the \$400 elderly/disabled household deduction, the allowance for medical expenses, or the allowance for disability assistance expenses. The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the public housing program, yet an accommodation is needed to provide equal opportunity.

Chapter 3-ELIGIBILITY

INTRODUCTION

LHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by LHA to confirm eligibility and determine the level of the family’s assistance.

To be eligible for the public housing program:

The applicant family must: – Qualify as a family as defined by HUD and LHA. – Have income at or below HUD-specified income limits. – Qualify on the basis of citizenship or the eligible immigrant status of family members. – Provide social security number information for family members as required. – Consent to LHA’s collection and use of family information as provided for in LHA-provided consent forms.

LHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or LHA.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and LHA definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Admission. This part covers factors related to an applicant’s past or current conduct (e.g. criminal activity) that can cause LHA to deny admission.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the public housing unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.403 and HUD-50058 IB, p. 13, FR Notice 02/03/12

The terms *family* and *household* have different meanings in the public housing program.

Family

To be eligible for admission, an applicant must qualify as a family. *Family* as defined by HUD includes but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other person; or group of persons residing together. Such group includes, but is not limited to a family with or without children (a child

who is temporarily away from the home because of placement in foster care is considered a member of the family) an elderly family, a near-elderly family, a disabled family or the remaining member of a tenant family. LHA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived characteristics. Sexual Orientation means homosexuality, heterosexuality, or bisexuality

LHA Policy

Multi-person Family:

A group of two or more persons who will live together on a regular basis in the same dwelling unit. (A regular basis is one where there is a present intent to live together for an indefinite period of time. The mere sharing of housing accommodations solely to qualify for rental assistance, or solely for the convenience of the parties, is not acceptable);

A family also includes:

Single-person Family:

A single person who is 62 years old of age or over; or

A single person who is disabled; or

A single person who is displaced; or

A single person who is in the process of securing legal custody of any individual under the age of 18 years; or

A single woman who is pregnant.

All other single persons may apply but will not be housed until all above listed single persons are housed.

Other Family Definitions:

A child who is temporarily away from the home because of placement in foster care is considered a member of the family;

LHA will not permit others who are currently living in independent circumstances, and have done so for a period of more than six months to move in with the participating family. Such persons may apply for housing by joining the wait list for any LHA housing program when the waiting lists are open.

If a family member moved from the unit and wishes to return, he/she will be allowed to move back in only once.

Waivers to this provision may be requested, and will be reviewed by the LHA on a case by case basis.

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

Household

Household is a broader term that includes additional people who, with LHA's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up

LHA Policy

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

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will continue to be assisted.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, LHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the PHA will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, the PHA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, or stalking and provides documentation in accordance with section 16-VII.D of this ACOP; (4) any possible risks to family members as a result of criminal activity, and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH Occ GB, p. 26].

Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only “remaining members of a tenant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6I.B, for the policy on “Caretakers for a Child.”

3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

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

LHA Policy

The family may designate any qualified family member as the head of household.

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

3-I.E. SPOUSE, CO-HEAD, AND OTHER ADULT

A family may have a spouse or co-head, but not both [HUD-50058 IB, p. 13].

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

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

LHA Policy. Minors who are emancipated under state law may be designated as a co-head. *Other adult* means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults [HUD-50058 IB, p. 14].

3-I.F. DEPENDENT [24 CFR 5.603]

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a deduction from annual income as described in Chapter 6.

Joint Custody of Dependents

LHA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family more than 50 percent of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members or there exists a joint custody agreement, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, LHA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes. In no instance will both parents be allowed to include the “joint custody dependent” as a member of each family’s household.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

Identifying each FTS is important because (1) each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent deduction and (2) the income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100, 5.403, 945.105, and FR Notice 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age

Elderly Family

An *elderly family* is one in which the head, spouse, co-head, or sole member is an elderly person. Identifying elderly families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403] FR Notice 02/03/12

Persons with Disabilities

Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, LHA must make all aspects of the public housing program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family

A *disabled family* is one in which the head, spouse, or co-head is a person with disabilities. Identifying disabled families is important because these families qualify for special deductions from income as described in Chapter 6 and may qualify for a particular type of development as noted in Chapter 4.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent LHA from denying admission for reasons related to alcohol and drug abuse following policies found in Part III of this chapter, or from enforcing the lease following the policies in Chapter 13.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near LHA premises [24 CFR 966.4(f)].

LHA Policy

A resident family must notify LHA when overnight guests will be staying in the unit for more than 3 days. A guest can remain in the unit no longer than 21 cumulative days during any 12 month period.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last no more than 30 consecutive days). Verification of the tenant's medical or other need for a temporary overnight guest must be independently verified by a licensed professional. An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return. A temporary overnight guest should meet the LHA's criminal background eligibility criteria.

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

A family must request written consent from LHA to allow a foster child or live-in aide to reside in the unit. Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c) (2)].

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].

LHA Policy

A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, and illness.

Definitions of Temporarily and Permanently Absent

LHA Policy

Family absence means no member of the family is residing in the unit.

The family may be absent from the assisted unit for brief periods. For anticipated absences of more than 21 consecutive days, the family must notify LHA, in writing, prior to the first day of the absence.

For family absences greater than 60 consecutive days, the family must obtain approval from LHA. Reasonable requests will not be denied. Generally, approval is reserved for medical reasons, e.g., hospitalization, determinable nursing home stays, to care for ill relatives, etc.

Assistance will terminate if a family absence exceeds the maximum period approved by LHA.

Family absences of more than 180 consecutive days will not be approved under any circumstances or for any reason.

For documented and verifiable medical reasons requiring the family to be absent from the unit for more than 180 days, the family's assistance may be resumed if not more than one year has elapsed since the first day of the absence. This option is at the sole discretion of the LHA and will be considered on a case by case basis.

Individual members of a household who are or are expected to be absent from the assisted unit for 180 consecutive days or less are considered temporarily absent and continue to be considered a family member.

Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. These absences must be reported by the family as soon as anticipated or known. Exceptions to this general policy are discussed below.

Absent Students

LHA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to LHA indicating that the student has established a separate household or the family declares that the student has established a separate

household. Separate household status may be verified with enrollment paperwork reflecting a different address or photo identification or driver's license address reflecting a different address.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

LHA Policy

If a child has been placed in foster care, LHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Co-head

LHA Policy

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member and their income will be counted in the calculation of rent.

Individuals Confined for Medical Reasons

LHA Policy

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, LHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family Members

LHA Policy

The family must request LHA approval for the return of any adult family members that LHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.M. LIVE-IN AIDE

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

LHA must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c) (5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

LHA Policy

1. Before a live-in aide may be moved into a unit, a third-party verification must be supplied that establishes the need for such care and the fact that the person cared for will be able to remain in the unit and comply with the lease terms as the result of such care; In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.
2. Move-in of a live-in aide must not result in overcrowding of the existing unit except in extraordinary and temporary circumstances, or as a reasonable accommodation as approved by the LHA;
3. Live-in aides have no right to Public Housing assistance as a remaining member of a participant family even when the live-in aide is a relative of the tenant renting the unit;
4. The income of a live-in aide is not counted in determining the family's rent;

5. A live-in aide can be a single person. A live-in aide with a family may also be considered, provided that the addition of the live-in aide's family does not result in overcrowding of the existing unit. The members of the live in aide's family age 15 and older must pass a background check.
6. Relatives who satisfy the definitions and stipulations herein may qualify as a live-in aide but only if they sign a statement prior to moving in, acknowledging no rights to the unit as the remaining member of a participant family;
7. A live-in aide and their family members will be required to meet screening requirements and must pass LHA's criminal background screening with respect to past behavior, especially:
 - (a) No record of disturbance of neighbors, destruction of property, or of living or housekeeping habits, at present or at prior residences, which may adversely affect the health, safety, or welfare of other residents, neighbors or staff, or cause damage to the unit or the premises; and
 - (b) No Criminal activity such as crimes of physical violence to persons or property and other criminal acts including drug-related criminal activity.
 - (c) The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
 - (d) The person currently owes rent or other amounts to LHA or to another LHA in connection with Section 8 or public housing assistance under the 1937 Act.
8. For continued approval, the family may be required to submit a new, written request-subject to LHA verification and screening-at each annual reexamination.
9. Within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request, LHA will notify the family of its decision in writing.

3-1.L Essential Member Addition to the Household

An essential member of the household may be added as a family member when it is necessary to reside with an elderly or disabled family member for the mental health and welfare of the family member. The necessity of adding an essential member to the family must be evidenced by a doctor's certification, or must be deemed essential and so certified, by Mental Health or other responsible source. To be added to the household as a family member the Essential Household Member must meet all tenant eligibility criteria as required of newly admitted applicants.

LHA Policy

Before any Essential Family Member may be moved into a unit, a third-party verification must be supplied that establishes the need for such family support and the fact that the person cared for will be able to remain in the unit and comply with the lease terms as the result of such care.

The Essential Family Member has the right to Public Housing assistance as a remaining member of a participant family.

The income of the Essential Family Member is counted in determining the family's rent;

An essential family member can be a single person. An Essential Family Member with a family may also be considered, provided that the addition of the additional family members does not result in overcrowding of the existing unit.

An essential family member and their family members will be required to meet screening requirements and must pass LHA's criminal background screening with respect to past behavior.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs, including the public housing program. The income limits are published annually and are based on HUD estimates of median family income in a particular area or county, with adjustments for family size. Remember, some of our public housing units must comply with the Low Income Housing Tax Credit Program, additional income restrictions may apply.

Types of Low-Income Families [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, adjusted for family size.

HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility [24 CFR 960.201]

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income-eligible, a family must be a *low-income* family.

Using Income Limits for Targeting [24 CFR 960.202(b)]

At least 40 percent of the families admitted to LHA's public housing program during a LHA fiscal year from LHA waiting list must be *extremely low-income* families. This is called the "basic targeting requirement".

If admissions of extremely low-income families to LHA's housing choice voucher program during a LHA fiscal year exceed the 75 percent minimum targeting requirement for that program, such excess shall be credited against LHA's public housing basic targeting requirement for the same fiscal year.

The fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

Ten percent of public housing waiting list admissions during LHA fiscal year

Ten percent of waiting list admission to LHA's housing choice voucher program during LHA fiscal year

The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

For discussion of how income targeting is used in tenant selection, see Chapter 4.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with LHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who

elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit LHA to request additional documentation of their status, such as a passport.

LHA Policy

Each family member, regardless of age, must submit the following:

For Citizens: A signed declaration of U.S. citizenship; and, an original U.S. Birth Certificate (or certified copy) or a U. S. Passport.

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

For all other Noncitizens: (i) A signed declaration of eligible immigration status; and, (ii) Immigration and Naturalization Service (INS) documents of eligible immigration status; and, (iii) a signed certification consent form.

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with LHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. LHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

A family is eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 14 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

LHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by LHA that the individual or at least one family member is eligible [24 CFR 5.512(a)].

LHA Policy

LHA will not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen.

When LHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with LHA. The informal hearing with LHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Informal hearing procedures are contained in Chapter 14.

Time Frame for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the resident family LHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, LHA must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

LHA Policy

LHA will verify the status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218] Notice PIH 2012-10

The applicant and all members of the applicant's must provide documentation of a valid Social Security Number (SSN) or a certification stating that no SSN has been issued. If a household member who is required to execute a certification is less than 18 years old, the certification must be executed by the individual's parent or guardian [24 CFR 5.216(j)]. Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is provided in Chapter 7.

If a new member requests to be added to the household, the new member's SSN documentation must be submitted at the time of the request to add the member to the household or at the time of processing the interim or annual reexamination of family income and or composition. If any member of the household obtains a previously undisclosed SSN, or has been assigned a new SSN, the documentation must be submitted at the family's next regularly scheduled reexamination. If the proposed new member is under the age of six and has not been assigned a SSN, the Head of household is provided 90 days to obtain and provide documentation of the SSN to LHA. LHA must deny admission to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230]

HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/

Privacy Act Notice and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

LHA must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow LHA to obtain information that LHA has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b)].

PART III: DENIAL OF ADMISSION

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied admission.

In addition, HUD requires or permits LHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. LHA's authority in this area is limited by the Violence against Women Act of 2005 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, or stalking [24 CFR 5.2005].

This part covers the following topics:

Required denial of admission
Other permitted reasons for denial of admission
Screening
Criteria for deciding to deny admission
Prohibition against denial of admission to victims of domestic violence, dating violence, or stalking
Notice of eligibility or denial

3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]

LHA is required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if LHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that LHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, LHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c) (3) (ii)].

HUD requires LHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits but does not require LHA to admit an otherwise-eligible family if the household member has completed a LHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g. the person involved in the criminal activity no longer lives in the household).

LHA Policy

LHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 5 years for drug-related criminal activity, if LHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by LHA, or the person who committed the crime is no longer living in the household.

- LHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

LHA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- LHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

LHA Policy

In determining reasonable cause, LHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. LHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing, and the family will be denied admission.

Any household member is currently registered as a sex offender under State registration requirements; the household member will be denied admission.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

HUD permits, but does not require LHA to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203 (c)]

Under the Public Housing Assessment System (PHAS), PHAs that have adopted policies, implemented procedures and can document that they successfully screen out and deny admission to certain applicants with unfavorable criminal histories receive points.

LHA is responsible for screening family behavior and suitability for tenancy. In doing so, LHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

LHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied admission.

Drug-related criminal activity, defined by HUD as 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 [24 CFR 5.100].

Violent criminal activity, defined by HUD as 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 [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c) (3)].

Criminal activity that may threaten the health or safety of LHA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past 5 years. A conviction for such activity will be given more weight than an arrest or an eviction.

In making its decision to deny assistance, LHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, LHA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior [960.203(c) and (d) and PH Occ GB, p. 48]

HUD authorizes LHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, LHA must consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Section 3-III.F, LHA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence, or stalking.

LHA Policy

LHA will deny admission to an applicant family if LHA determines that the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past five years,
- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants,
- Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances),
- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program,
- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent,
- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program,
- Has engaged in or threatened violent or abusive behavior toward LHA personnel, *Abusive or violent behavior towards LHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

- *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, LHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, LHA may, on a case-by-case basis, decide not to deny admission. LHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

3-III.D. SCREENING

Screening for Eligibility

LHA is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the public housing program. This authority assists LHA in complying with HUD requirements and LHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records LHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

LHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].

LHA Policy

LHA will perform a criminal background check and eviction record check on all applicant family members 18 years of age and older. The LHA will utilize local law enforcement and private screening companies to obtain these records.

LHA will require proof of photo identification, such as a driver's license, school identification, etc. Other means of identification and requests to allow additional time to provide photo identification will be considered.

Family members 18 years of age and older must pass the Housing Authority's criminal history evaluation process. If the results of the criminal background check indicate there may have past criminal activity, but the results are inconclusive, LHA will request a fingerprint card and will request information from the National Crime Information Center (NCIC).

LHA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

If LHA proposes to deny admission based on a criminal record or on lifetime sex offender registration information, LHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)].

Obtaining Information from Drug Treatment Facilities [24 CFR 960.205]

HUD authorizes LHA to request and obtain information from drug abuse treatment facilities concerning applicants. Specifically, LHA may require each applicant to submit for all household members who are at least 18 years of age, and for each family head, spouse, or co-head regardless of age, one or more consent forms signed by such household members that requests any drug abuse treatment facility to inform LHA whether the drug abuse treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use.

Drug Abuse Treatment Facility means an entity that holds itself out as providing, and provides, diagnosis, treatment, or referral for treatment with respect to the illegal drug use, and is either an identified unit within a general care facility, or an entity other than a general medical care facility.

Currently engaging in illegal use of a drug means illegal use of a drug that occurred recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.

Any consent form used for the purpose of obtaining information from a drug abuse treatment facility to determine whether a household member is currently engaging in illegal drug use must expire automatically after LHA has made a final decision to either approve or deny the admission of such person.

Any charges incurred by LHA for information provided from a drug abuse treatment facility may not be passed on to the applicant or tenant.

If LHA chooses to obtain such information from drug abuse treatment facilities, it must adopt and implement one of the two following policies:

Policy A: LHA must submit a request for information to a drug abuse treatment facility for all families before they are admitted. The request must be submitted for each proposed household member who is at least 18 years of age, and for each family head, spouse, or co-head regardless of age.

Policy B: LHA must submit a request for information only for certain household members, whose criminal record indicates prior arrests or conviction for any criminal activity that may be a basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents.

If LHA chooses to obtain such information, it must abide by the HUD requirements for records management and confidentiality as described in 24 CFR 960.205(f).

LHA Policy

LHA will request, before any family is admitted, information from drug abuse treatment facilities to determine whether certain household members are currently engaging in illegal drug activity.

LHA will request such information for household members whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission or whose prior tenancy records indicate that the proposed household member engaged in destruction of property or violent activity against another person, or they interfered with the right of peaceful enjoyment of the premises of other residents. Such household members will be required to sign one or more consent forms that request any drug abuse treatment facility to allow LHA to obtain such information.

Screening for Suitability as a Tenant [24 CFR 960.203(c)]

LHA is responsible for the screening and selection of families to occupy public housing units. LHA may consider all relevant information. Screening is important to public housing communities and program integrity, and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

LHA Policy

LHA will consider the family's history with respect to the following factors:

Payment of rent and utilities

Caring for a unit and premises

Respecting the rights of other residents to the peaceful enjoyment of their housing

Criminal activity that is a threat to the health, safety, or property of others

Behavior of all household members as related to the grounds for denial as detailed in Sections 3-III. B and C

Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability [PH Occ GB, pp. 47-56]

LHA has a variety of resources available to it for determining the suitability of applicants. Generally, LHA should reject applicants who have recent behavior that would warrant lease termination for a public housing resident.

LHA Policy

In order to determine the suitability of applicants LHA will examine applicant history for the past five years. Such background checks will include:

Past Performance in Meeting Financial Obligations, Especially Rent

PHA and landlord references for the past five years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again.

Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit and whether the applicant can get utilities turned on in his/her name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

LHA may check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may. Applicants with no rental payment history will also be asked to provide LHA with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. If previous landlords or the utility company do not respond to requests from LHA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

PHA and landlord references for the past five years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police and court records within the past five years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction.

Personal references will be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available.

Home visits may be used to determine the applicant's ability to care for the unit.

3-III.E. CRITERIA FOR DECIDING TO DENY ADMISSION

Evidence

LHA Policy

LHA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 960.203(c)(3) and (d)]

HUD authorizes LHA to consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in the situations for which denial of admission is mandated (see Section 3-III.B). In the event LHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, PHAs may give consideration to factors which might indicate a reasonable probability of favorable future conduct.

LHA Policy

LHA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents
- The effects that denial of admission may have on other members of the family who were not involved in the action or failure
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, or stalking.
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future
- Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

LHA will require the applicant 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 decision regarding approval or denial of an application to the program will always be left to the sound discretion of the Housing Manager or person(s) designated by the Director of Housing.

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

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

Removal of a Family Member's Name from the Application [24 CFR 960.203(c)(3)(i)]

HUD permits PHAs to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which warrants denial of admission, to not reside in the unit.

LHA Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify in writing that the family member will not be permitted to visit or to stay as a guest in the public housing unit.

After admission to the program, the family must present evidence of the former family member's current address upon LHA's request.

Reasonable Accommodation [PH Occ GB, pp. 58-60]

If the family includes a person with disabilities, LHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

LHA Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, LHA will determine whether the behavior is related to the disability. If so, upon the family's request, LHA will determine whether alternative measures are appropriate as a reasonable accommodation. LHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission. See Chapter 2 for a discussion of reasonable accommodation.

3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

The Violence against Women Act of 2005 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking.

Definitions of key terms used in VAWA are provided in section 16-VII of this ACOP, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

PHA Policy

The PHA acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the PHA's policies. Therefore, if the PHA makes a determination to deny admission to an applicant family, the PHA will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP and will request that an applicant wishing to claim this protection notify the PHA within 10 business days.

Documentation

Victim Documentation [24 CFR 5.2007]

PHA Policy

If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, or stalking, the PHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-VII.D of this ACOP.

Perpetrator Documentation

PHA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit. Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

LHA will notify an applicant family of its final determination of eligibility in accordance with the policies in Section 4-III.E.

If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before LHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)].

LHA Policy

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible; LHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact LHA to dispute the information within that 10 day period, LHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

Notice requirements related to denying admission to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, or stalking are contained in Section 3-III.F.

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

The term *person with disabilities* means a person who has any of the following types of conditions.

- Has a disability, as defined in 42 U.S.C. Section 423(d) (1) (A), which reads:

Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i) (1) of this title), inability by reason of such blindness to engage in substantial gainful activity, requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

(A) IN GENERAL – The term *developmental disability* means a severe, chronic disability of an individual that; (i) is attributable to a mental or physical impairment or combination of mental and physical impairments; (ii) is manifested before the individual attains age 22; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) self-care, (II) receptive and expressive language, (III) learning, (IV) mobility, (V) self-direction, (VI) capacity for independent living, (VII) economic self-sufficiency; and (v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN – An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

• Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program. For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means any person who has 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 impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine

(b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means:

(a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation

(b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment

(c) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment

Chapter 4 APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides LHA with the information needed to determine the family's eligibility. HUD requires LHA to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, LHA must select families from the waiting list in accordance with HUD requirements and LHA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

LHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or LHA to receive preferential treatment.

HUD regulations require that LHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that LHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and LHA policies for taking applications, managing the waiting list and selecting families from the waiting list. LHA's policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise LHA's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how LHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how LHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process LHA will use to keep the waiting list current.

Part III: Tenant Selection. This part describes the policies that guide LHA in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that LHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide LHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes LHA's obligation to ensure the accessibility of the application process.

4-I.B. APPLYING FOR ASSISTANCE [PIH Notice 2009-36]

Any family that wishes to reside in public housing must apply for admission to the program [24 CFR 1.4(b) (2) (ii), 24 CFR 960.202(a) (2) (iv), and PH Occ GB, p. 68]. HUD permits LHA to determine the format and content of its applications, as well as how such applications will be made available to interested families and how applications will be accepted by LHA. However, LHA must include Form HUD-90026, Supplement to Application for Federally Assisted Housing, as part of LHA's application.

LHA Policy

When a site based wait list is open, a two-step process will be used for all applications. Under the two-step application process, LHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Families may obtain application forms from LHA's website at <http://www.lakelandhousing.org> or in person at its Administrative or Property Management Offices during normal business hours. Families may also request – by telephone, e-mail or by mail – which a form be sent to the family via first class mail.

Completed applications must be returned to LHA by mail, by fax, e-mail attachment or submitted in person during normal business hours. Applications must be complete in order to be accepted by LHA for processing. If an application is incomplete or illegible, LHA will notify the family of the additional information required.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

LHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard LHA application process.

Disabled Populations [24 CFR 8; PH Occ GB, p. 68]

LHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or LHA must provide an alternate approach that provides equal access to the application process. Chapter 2 provides a full discussion of LHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on LHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

LHA must review each completed application received and make a preliminary assessment of the family's eligibility. LHA must place on the waiting list families for whom the list is open unless LHA determines the family to be ineligible. Where the family is determined to be ineligible, LHA must notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41]. Where the family is determined to be eligible, the family will be placed on the appropriate waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Ineligible for Placement on the Waiting List

LHA Policy

If LHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, LHA will send written notification of the ineligibility determination within 10 business days of receiving a completed application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14).

Eligible for Placement on the Waiting List

LHA Policy

When a determination has been made that an applicant has a preliminary eligibility determination, the applicant will be notified of the anticipated amount of time before their name will reach the top of the waiting list. Included in this notification, will be the stipulation that the applicant must contact LHA with any changes to their application. LHA will make every effort to accurately estimate the anticipated date; however the date given by LHA does not mean that applicants should expect to be receiving housing assistance by that date. The availability of Public Housing is contingent upon various factors not directly controlled by LHA, such as turnover rates, the housing rental market and available funding.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. A final determination of eligibility and qualification for preferences will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to the date and time their completed application is received by LHA.

Families may select a bedroom size they wish to have provided that their family size falls within LHA standards. Once they are admitted to the unit size of their choice they will not be given a transfer to a different unit size unless their family size falls below or goes above the occupancy standards for that bedroom size (see Chapter 5).

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

LHA must have policies regarding the type of waiting list it will utilize as well as the various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how LHA may structure its waiting list and how families must be treated if they apply for public housing at a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST

LHA’s public housing waiting list must be organized in such a manner to allow LHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

LHA Policy

The waiting list will contain the following information for each applicant listed:

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- Race and ethnicity of the head of household

The specific site(s) selected (site-based waiting lists) LHA may adopt one community-wide waiting list or site-based waiting lists. LHA must obtain approval from HUD through submission of its Annual Plan before it may offer site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

LHA Policy

LHA will maintain site-based waiting lists. LHA maintains a site-based wait list system, with separate waiting lists by bedroom size for each of the following sites within LHA's public housing stock:

- WestLake Apartments
- Westlake Addition
- John Wright Homes
- Cecil Gober Villas-Elderly
- Renaissance at Washington Ridge
- The Manor at Washington Ridge-Near Elderly/Senior
- Dakota Park

LHA has the following Public Housing Preferences for its site based waiting lists.

The Lakeland Housing Authority will select families based on the following preferences within each bedroom size category and based on our local housing needs and priorities:

Preferences will be weighted as follows:

Absence of Proscribed Crime	15	points
Working Family (see glossary)	50	points
Absence of a Misdemeanor	5	points

Wait list applicants will be pulled from each list in date and time order plus any preference points. Current Public Housing residents requiring a transfer to another unit due to reasonable accommodation, or due to family composition change that exceeds or is below occupancy standards, will be placed before pulling applicants from the wait list. All other Transfer requests will be placed on the wait list in date order of requests for transfer provided that the wait list is open. Residents requesting a transfer must have lived in Public Housing for at least a year, be a tenant in good standing and have received Property Management approval to apply for a transfer position on a wait list.

Applications received after April 1, 2012, will allow applicants to choose not more than two Public Housing site based wait lists to be on. These applicants must accept the first list they come up on as they will be removed from all wait lists after the first offer.

Applications received before April 1, 2012 will be allowed to choose not more than two Public Housing site based wait lists to be on and will be allowed one offer from each wait list. Once offered a unit from a particular wait list, if the applicant refuses the offer, the applicant is removed from that wait list and cannot jump to other wait lists.

If an applicant accepts a unit from the first list they come to the top on they will be removed from any other Public Housing list they selected.

Applicants can change which wait list they want to be on and are eligible for after applying, but cannot change wait lists once they are pulled from the wait list and are in the process of receiving an offer.

HUD directs that a family that applies to reside in public housing must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that LHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a) (2) (i)].

HUD permits, but does not require, that LHA maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs [24 CFR 982.205(a)(1)].

LHA Policy

LHA will not merge the public housing waiting list with the waiting list for any other program LHA operates.

4-IL.C. OPENING AND CLOSING THE WAITING LIST Closing the Waiting List

LHA is permitted to close the waiting list, in whole or in part, if it has an adequate pool of families to fill its developments. LHA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ. GB, p. 31].

LHA Policy

LHA will close the waiting list when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where LHA has particular preferences or other criteria that require a specific category of family, LHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List

If the waiting list has been closed, it may be reopened at any time. LHA should publish a notice in local newspapers of general circulation, minority media, and other suitable media outlets that LHA is reopening the waiting list. Such notice must comply with HUD fair housing requirements. LHA should specify who may apply, and where and when applications will be received.

LHA Policy

LHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

LHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

El Hispanic News

The Ledger
The Tampa Tribune
The Coupon book
The Floridian
The LHA Newsletter
The LHA Website
The Asian news
Others

Independent Living Resources Newsletters for seniors and or disabled. Additionally, LHA will make individual agency notifications including, but not limited to local nonprofits and government agencies.

4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

LHA should conduct outreach as necessary to ensure that LHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that LHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires LHA to serve a specified percentage of extremely low income families, LHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

LHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class LHA outreach efforts must be designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:
- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

LHA Policy

LHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in LHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

LHA Policy

While the family is on the waiting list, the family must inform LHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing or by phone to the Community Office Wait List/Leasing Agent or Housing Manager.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

4-II.F. UPDATING THE WAITING LIST

HUD requires LHA to establish policies to use when removing applicant names from the waiting list [24 CFR 960.202(a) (2) (iv)].

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to LHA's request for information or updates because of the family member's disability, LHA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ. GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

LHA Policy

The waiting list may be updated as needed to ensure that all applicants and applicant information is current and timely.

The waiting list will be updated during the process of contacting the applicant. Should LHA need to contact the applicant family prior to the family nearing the top of the waiting list, a letter will be sent to the applicant's last known address. If there is no response within 15 days of the date of the attempted contact, with no returned letter, a second letter will be sent. This letter will allow 30 days from the date it is sent to reactivate the application. If the first notification is returned to LHA with a forwarding address it is resent and another 10 days is given to respond. If there is no response a second letter is sent to the new address allowing 30 days to reactivate. If the first letter is returned with no forwarding address the application is filed inactive and no further notifications are sent. However, if the family contacts LHA within 90 days of the date of the returned notice, the application will be reactivated and the family's application will be placed back on the waiting list by the original date and time applied. If a family is removed from the waiting list for failure to respond, the Housing Asset Manager may reinstate the family if s/he determines the lack of response was due to LHA error.

Removal from the Waiting List

LHA Policy

LHA will remove applicants from the waiting list if they have requested that their name be removed. In such cases no informal hearing is required.

If LHA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list. If an applicant family experiences an increase in income that makes them not eligible but LHA determines that the income increase may be temporary, the family will be kept on the wait list. The family will be advised that if they are still over program income limits by the time they reach the top of the wait list, they will not be eligible to participate in the program.

If a family is removed from the waiting list because LHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding LHA's decision (see Chapter 14) [24 CFR 960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

LHA must establish tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. LHA must not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. LHA must not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list depends on the selection method chosen by LHA and is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

LHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to LHA’s selection policies [24 CFR 960.206(e)(2)]. LHA’s policies must be posted any place where LHA receives applications. LHA must provide a copy of its tenant selection policies upon request to any applicant or tenant. LHA may charge the family for providing a copy of its tenant selection policies [24 CFR 960.202(c)(2)].

LHA Policy

When an applicant or resident family requests a copy of LHA’s tenant selection policies, LHA will direct them to the website version at <http://www.lakelandhousing.org>. Paper copies will be provided at a cost of \$0.25 per page.

4-III.B. SELECTION METHOD

LHA must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that LHA will use.

Local Preferences [24 CFR 960.206]

LHA is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits LHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with LHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

LHA Policy

LHA has established the following local preferences.

Relocated at the request of the Lakeland Housing Authority	50	points
Person residing in government acquired property within The Lakeland Housing Authority jurisdiction	35	points
Graduates of a Lakeland-based approved transitional housing program for homeless persons	30	points
Absence of Proscribed Crime	15	points
Working Family (see glossary)	50	points
Absence of a Misdemeanor	5	points
Enrolled in School (school age dependents)	1	point
Residency	1	point
Voter Registration	1	point
Victim of Domestic Violence	1	point

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40% of the families admitted to public housing during LHA’s fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, LHA may skip non-ELI families on the waiting list in order to select an ELI family.

LHA also operates a housing choice voucher (HCV) program, admissions of extremely low-income families to LHA’s HCV program during LHA's fiscal year that exceed the 75% minimum target requirement for the voucher program, shall be credited against LHA’s basic targeting requirement in the public housing program for the same

fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of: (1) ten percent of public housing waiting list admissions during LHA's fiscal year; (2) ten percent of waiting list admissions to LHA's housing choice voucher program during LHA's fiscal year; or (3) the number of qualifying low-income families who commence occupancy during the fiscal year of LHA's public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

LHA Policy

LHA will monitor progress in meeting the ELI requirement throughout the fiscal year.

ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Mixed Population Developments [24 CFR 960.407]

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or LHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403]. LHA must give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. LHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, LHA must first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. LHA may not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

Units Designated for Elderly or Disabled Families [24 CFR 945]

LHA may designate projects or portions of a public housing project specifically for elderly or disabled families. LHA must have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, LHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, LHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or co-head is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, LHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

LHA Policy

LHA does not have designated elderly or designated disabled housing at this time.

De-concentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]

LHA's admission policy must be designed to provide for de-concentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of LHA's de-concentration policies must be included in its annual plan [24 CFR 903.7(b)].

LHA's de-concentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the de-concentration requirement are referred to as ‘covered developments’ and include general occupancy (family) public housing developments. The following developments are not subject to de-concentration and income mixing requirements: developments operated by LHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by LHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c) (1)]

To implement the statutory requirement to de-concentrate poverty and provide for income mixing in covered developments, LHA must comply with the following steps:

Step 1. LHA must determine the average income of all families residing in all LHA's covered developments. LHA may use the median income, instead of average income, provided that LHA includes a written explanation in its annual plan justifying the use of median income.

LHA Policy

LHA will determine the average income of all families in all covered developments on an annual basis.

Step 2. LHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, LHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

LHA Policy

LHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. LHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

Step 4. LHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, LHA must include in its admission policy its specific policy to provide for de-concentration of poverty and income mixing.

Depending on local circumstances LHA’s de-concentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of de-concentration
- Providing other strategies permitted by statute and determined by LHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and LHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under LHA's de-concentration policy. LHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under LHA's de-concentration policy [24 CFR 903.2(c) (4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, LHA will be considered to be in compliance with the de-concentration requirement and no further action is required.

LHA Policy

For developments outside the EIR LHA will take the following actions to provide for de-concentration of poverty and income mixing:

- LHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met. The periods of income targeting shall coincide with the LHA's fiscal year (January 1st through December 31st). LHA will track the percentage of initial lease-up at or below 30% of the area median income. If the cumulative fiscal year percentage falls below 75%, LHA may offer Public Housing only to applicants whose income is at or below 30% if necessary to meet federally mandated goals. If the household income of an applicant who receives Public Housing assistance during this period exceeds the 30% income limit at any time during the lease-up phase, the applicant will found ineligible and notified and put back on the waiting list.

Order of Selection [24 CFR 960.206(e)]

LHA's system of preferences may select families either according to the date and time of application or by a random selection process.

LHA Policy

Families will be selected from the waiting list on a first-come, first-served basis according to the date and time and preference points in their complete application are received by LHA.

When selecting applicants from the waiting list LHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. LHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as de-concentration or income mixing and income targeting will also be considered in accordance with HUD requirements and LHA policy.

4-III.C. NOTIFICATION OF SELECTION

When the family has been selected from the waiting list, LHA must notify the family. LHA Policy LHA will notify the family by first class mail when it is selected from the waiting list.

The notice will inform the family of the following:

- Applicants are notified to call and schedule a date and time for an application interview. Procedures for rescheduling the interview
- Who is required to attend the interview Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Other documents and information that should be brought to the interview
- If a notification letter is returned to LHA with no forwarding address, the family will be removed from the waiting list.

4-III.D. THE APPLICATION INTERVIEW

HUD recommends that LHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2012-10].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

LHA Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household and the spouse/co-head will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co-head may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to LHA.

The interview will be conducted only if the head of household or spouse/co-head provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, the PHA will allow the family to retain its place on the waiting list for 30 days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the PHA will offer a unit to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, LHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process. Interviews will be conducted in English. For limited English proficient (LEP) applicants, LHA will provide translation services in accordance with LHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact LHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, LHA will send a file inactive notification letter giving the family 30 days to respond and schedule a new appointment. If the family fails to respond, they are automatically filed inactive per the notification.

4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

LHA must verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including LHA suitability standards, LHA must make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined [24 CFR 960.208(b)].

LHA Policy

LHA will notify a family verbally of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined.

LHA must promptly notify any family determined to be ineligible for admission of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination [24 CFR 960.208(a)].

LHA Policy

If LHA determines that the family is ineligible, LHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see Chapter 14).

If LHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before LHA can move to deny the application. See Section 3-III.G for LHA's policy regarding such circumstances.

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	3
2	2	5
3	3	7
4	5	9
5	7	11

OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

LHA must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. LHA's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise LHA's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains LHA's standards for determining the appropriate unit size for families of different sizes and types.

Part II: Unit Offers. This part contains LHA's policies for making unit offers, and describes actions to be taken when unit offers are refused.

PART I: OCCUPANCY STANDARDS

5-I.A. OVERVIEW

Occupancy standards are established by LHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors LHA will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, LHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)]. HUD does not specify the number of persons who may live in public housing units of various sizes. LHA is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

Although LHA does determine the size of unit the family qualifies for under the occupancy standards, LHA does not determine who shares a bedroom/sleeping room. LHA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

LHA Policy LHA will use the same occupancy standards for each of its developments. LHA's occupancy standards are as follows:

Each unit is intended for single family occupancy. LHA will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses, and children under age 5) will not be required to share a bedroom. Persons of different generations will not be required to share a bedroom. Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family. Single person families will be allocated a zero or one bedroom.

Foster children will be included in determining unit size. In addition to the above standards, the following guidelines will apply when initially assigning a family to a unit:

- (a) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size;
- (b) A child who is temporarily away from the home to attend school is considered a member of the family in determining the family unit size;
- (c) A family consisting solely of a pregnant woman will be treated as a two person household; LHA will reference the following standards in determining the appropriate unit bedroom size for a family:

LHA has no Public Housing units larger than five-bedroom units. Should the family size increase to the point where a six-bedroom unit is required, the family will be offered a 5 bedroom, if available. If the term of the offer expires and the family still has not moved, the Housing Authority will take steps to terminate the lease agreement, unless this is waived by the Executive Director. A waiver will only be considered in the most unique of circumstances.

In accordance with the lease, boarders or lodgers shall not be permitted to occupy a dwelling unit, nor shall they be permitted to move in with any family occupying a dwelling unit. Violation of this provision is ground for termination of the lease.

Resident will not be given permission to allow a former resident of LHA who has been evicted to join the household. Violation of this requirement is grounds for termination of the lease.

Family members age 18 or older, or emancipated minors who move from the dwelling unit to establish new households, shall be removed from the lease. The resident has the responsibility to immediately report the move-out to LHA. This does not apply to those temporarily away at school, but intending to return to the household. These individuals may not be readmitted to the unit. However, they may apply as new applicant households for placement on the waiting list (subject to applicable income limits, preferences, resident selection, and screening requirements). Medical hardship or other extenuating circumstances may be considered by LHA in making determinations under this paragraph.

5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

LHA Policy

LHA will consider granting exceptions to the occupancy standards at the family's request if LHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5I.B) and the family does not want to transfer to a larger size unit.

When evaluating exception requests LHA will consider the size and configuration of the unit. In no case will LHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, LHA may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Processing of Exceptions

LHA Policy

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, LHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, LHA will consider the

exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

LHA will notify the family of its decision within 14 business days of receiving the family's request.

PART II: UNIT OFFERS

24 CFR 1.4(b) (2) (ii); 24 CFR 960.208

5-II.A. OVERVIEW

LHA must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination.

In filling an actual or expected vacancy, LHA must offer the dwelling unit to an applicant in the appropriate sequence. LHA will offer the unit until it is accepted. This section describes LHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes LHA's policies for offering units with accessibility features.

LHA Policy

LHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

5-II.B. NUMBER OF OFFERS

LHA Policy

LHA has adopted a "one offer plan" for offering units to applicants. Under this plan the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size, at a site in which the applicant has applied. For all applications received after April 1, 2013, if an applicant has applied to be on two site based wait lists, there will only be one offer at the first available site and if the offer is rejected, no other offers will be made and the applicant is taken off all wait lists. For all applications received before April 1, 2013, applicants will be given a maximum of one offer from each site based wait list they had applied to be on.

5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

LHA Policy

Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer. Offers made by telephone will be confirmed by letter.

5-II.D. REFUSALS OF UNIT OFFERS

Good Cause for Unit Refusal

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

LHA Policy

Applicants may refuse to accept a unit offer for "*good cause*." *Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ. GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities

- The family demonstrates to LHA’s satisfaction that accepting the offer will place a family member’s life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member The unit is inappropriate for the applicant’s disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move
- The unit has lead-based paint and the family includes children under the age of six

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

LHA will require documentation of good cause for unit refusals.

Unit Refusal without Good Cause

LHA Policy

When an applicant rejects the final unit offer without good cause, LHA will remove the applicant’s name from the waiting list and send notice to the family of such removal. All applications received after April 1, 2013, will be automatically removed from all wait lists once an offer has been made and refused without good cause. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14). The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until LHA opens the waiting list.

5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]

LHA must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant LHA must offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under LHA’s control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, LHA may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

LHA Policy

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, LHA will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, LHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

5-II.F. DESIGNATED HOUSING

LHA has no designated housing inventory at this time.

Chapter 6 INCOME AND RENT DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 960, Subpart C]

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's rent payment. LHA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and LHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and LHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income. Once annual income has been established HUD regulations require LHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and LHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

PART I: ANNUAL INCOME 6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

5.609 Annual income.

(a) Annual income means all amounts, monetary or not, which:

- (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) Which are not specifically excluded in paragraph [5.609(c)].
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

Annual Income Inclusions (Exhibit 6-1)

Annual Income Exclusions (Exhibit 6-2)

Treatment of Family Assets (Exhibit 6-3)

Earned Income Disallowance (Exhibit 6-4)

The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Temporarily Absent Family Members

Summary of Income Included and Excluded by Person	
Live-in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(a)(1)].
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age or older (not head, spouse, or co-head)	Employment income above \$480/year is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations, are included.

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

LHA Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

LHA Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to LHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

LHA Policy

If a child has been placed in foster care, LHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Co-head

LHA Policy

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Individuals Confined for Medical Reasons

LHA Policy

LHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

When an individual who has been counted as a family member is determined permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or co-head qualify as an elderly person or a person with disabilities.

Joint Custody of Children

LHA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family more than 50 percent of the time.

When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, LHA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

Caretakers for a Child

LHA Policy

If neither a parent nor a designated guardian remains in a household receiving assistance, LHA will take the following actions.

If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases LHA will extend the caretaker's status as an eligible visitor.

At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.

During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

LHA is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date" [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

LHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes LHA to use other than current circumstances to anticipate income when:

An imminent change in circumstances is expected [HCV GB, p. 5-17]

It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]

The PHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

LHA Policy

LHA is required to use HUD's Enterprise Income Verification system (EIV). When EIV is obtained and the family does not dispute the EIV employer data, LHA will use current tenant-provided documents to project annual income. When the tenant provided documents are pay stubs, LHA will make every effort to obtain at least 2 consecutive pay stubs dated within the last 90 days.

LHA will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

If EIV or other UIV data is not available,

If the family disputes the accuracy of the EIV employer data, and/or

If LHA determines additional information is needed.

In such cases, LHA will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how LHA annualized projected income.

When LHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), LHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to LHA to show why the historic pattern does not represent the family's anticipated income. Added language to comply with Notice PIH 2013-03 temporary policies to accept self-certification of assets up to \$5000; added language for the elderly and disabled families with fixed incomes, the PHA will recalculate annual income by applying any published Cost of Living Adjustment (COLA) to the previously verified amounts, current documentation of fixed income is not required. However, if the family receives any income from a non-fixed income source, the PHA will not streamline the annual re-examination. The PHA must follow existing regulatory requirements for verification of deductions.

Notice PIH 2013-04 added language allowing self-certification of fully excluded income;

Changed language for a requirement of four consecutive pay stubs to a minimum of two consecutive paystubs for verification of earned income;

Updated verification requirements for individual items to comply with Notice PIH 2010-19 Verification Guidance;

Known Changes in Income

If LHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving \$6/hour will begin to receive \$6.25/hour in the eighth week after the effective date of the reexamination. In such a case LHA would calculate annual income as follows: $(\$6/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$6.25 \times 40 \text{ hours} \times 45 \text{ weeks})$.

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases LHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if LHA's policy on reexaminations does not require interim reexaminations for other types of changes.

When tenant-provided documents are used to anticipate annual income, they will be dated within the last 90 days of the reexamination interview date.

Up-Front Income Verification (UIV) and Income Projection

HUD requires the use of up-front income verification (UIV) techniques. UIV is "the verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals" [VG, p. 7]. One such source is HUD's Enterprise Income Verification (EIV) system, which maintains data on three types of income: wages, unemployment benefits, and social security (SS) and supplemental security income (SSI) benefits. Effective January 31, 2010, PHAs are required to use the Enterprise Income Verification (EIV) system in accordance with the Refinement of Income and Rent Rule which was published on December 29, 2009.

HUD allows LHA to use UIV data as third-party verification of an income source when a resident does not dispute the source. UIV data, however, is generally several months old. Therefore, except in the case of SS and SSI benefits, which are not subject to frequent or dramatic changes, HUD expects LHA to base its income projection on documentation of current circumstances provided by the resident (such as consecutive pay stubs dated within the last 90 days) or by the income source (if LHA determines that additional verification is necessary).

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages and Related Compensation [24 CFR 5.609(b)(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 is included in annual income.

LHA Policy

For persons who regularly receive bonuses or commissions, LHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, LHA will use the prior year amounts. In either case the family may provide, and LHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, LHA will count only the amount estimated by the employer. The file will be documented appropriately.

Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]

This type of income (including gifts) is not included in annual income. Sporadic income includes temporary payments from the U.S. Census Bureau for employment lasting longer than 180 days [PIH Notice 2009-19]

LHA Policy

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed. If a pattern is established and income can be reliably predicted, the income will be included.

Children's Earnings [24 CFR 5.609(c)(1)]

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students

Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

Income of a Live-in Aide

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Income Earned under Certain Federal Programs [24 CFR 5.609(c)(17)]

Income from some federal programs is specifically excluded from consideration as income, including:

Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)) Awards under the federal work-study program (20 U.S.C. 1087 uu)

Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f)) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))

Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend [24 CFR 5.600(c)(8)(iv)]

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for LHA, on a part-time basis, that enhances the quality of life in the development. Such services may include, but

are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of LHA's governing board. No resident may receive more than one such stipend during the same period of time.

State and Local Employment Training Program (Example: Office and Maintenance Skills Training Program)

Incremental earnings and benefits to any family member resulting 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 are excluded from annual income. 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 training program [24 CFR 5.609(c)(8)(v)].

LHA Policy

LHA defines *training program* as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].

LHA defines *incremental earnings and benefits* as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, LHA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with LHA's interim reporting requirements (see chapter on reexaminations).

HUD-Funded Training Programs

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

LHA Policy

To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

Earned Income Tax Credit. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

Earned Income Disallowance. The earned income disallowance is discussed in section 6-I.E below.

6-I.E. EARNED INCOME DISALLOWANCE [24 CFR 960.255]

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 960.255 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

Employment of a family member who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.

Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].

New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as onetime payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

LHA Policy

LHA defines *prior income*, or *prequalifying income*, as the family member's last certified income prior to qualifying for the EID.

The family member's prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.

Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

LHA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion and Phase-In

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation

The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

LHA Policy

During the 48-month eligibility period, LHA will conduct an interim reexamination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

Individual Savings Accounts [24 CFR 960.255(d)]

LHA Policy

LHA chooses not to establish a system of individual savings accounts (ISAs) for families who qualify for the EID.

The following rules pertaining to ISAs do not apply to LHA.

A qualified family paying income-based rent may choose an ISA instead of being given the EID. The PHA must advise the family that the ISA option is available. Families who choose the ISA will pay the higher rent and the PHA will deposit the difference between the higher rent and the EID rent in the savings account.

Amounts deposited to ISAs may only be withdrawn for the following reasons:

Because the family is purchasing a home

To pay education costs of family members

Because the family is moving out of public or assisted housing

To pay any other expenses the PHA authorizes to promote economic self-sufficiency

The PHA is required to maintain ISAs in interest bearing accounts, for which the family is credited with interest earned. The PHA may not charge the family a fee for maintaining the account.

At least once each year the PHA must provide the family with a statement of the balance in their account, including any interest earned, if required by state law.

When applicable, the PHA will provide the family with a statement of the balance in their account, including any interest earned, annually and upon request when the family makes withdrawals from the account.

If the family moves out of public housing, the PHA must return the balance in the family's ISA, less any amounts the family owes the PHA.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes "the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be 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 will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family" [24 CFR 5.609(b)(2)].

Business Expenses

Net income is "gross income less business expense" [HCV GB, p. 5-19].

LHA Policy

To determine business expenses that may be deducted from gross income, LHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit LHA to deduct from gross income expenses for business expansion.

LHA Policy

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD regulations do not permit LHA to deduct from gross income the amortization of capital indebtedness.

LHA Policy

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means LHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require LHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

LHA Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of \$2,000 to help a business get started, LHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

LHA Policy

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the public housing program. However, HUD requires that LHA include in annual income the "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, LHA must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b) (3)], and Exhibit 6-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and PHA policies related to each type of asset.

General Policies

Income from Assets

LHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes LHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or

(3) LHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, LHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

LHA Policy

Per PIH Notice 2013-3 LHA will accept a family's self-declaration of the amount of assets less than \$5,000 and the amount of income expected to be received from those assets. LHA's reexamination documentation, which is signed by all adult family members, can serve as the declaration. Where the family has net family assets equal to or less than \$5,000, LHA does not need to request supporting documentation (e.g. bank statements) for the family to confirm the assets or the amount of income expected to be received from those assets.

Where the family has net family assets in excess of \$5,000, LHA must obtain supporting documentation to confirm assets. Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to LHA to show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets

The calculation of asset income sometimes requires LHA to make a distinction between an asset's market value and its cash value.

The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).

The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

LHA Policy

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5-28 and PH Occ GB, p. 121].

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3)]

When net family assets are \$5,000 or less, LHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, LHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

Determining Actual Anticipated Income from Assets

It may or may not be necessary for LHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes "amounts derived (during the 12-month period) from assets to which any member of the family has access."

LHA Policy

If an asset is owned by more than one person and any family member has unrestricted access to the asset, LHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, LHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, LHA will prorate the asset evenly among all owners.

Assets Disposed Of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require LHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

LHA may set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

LHA Policy

LHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

LHA Policy

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

LHA Policy

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. LHA may verify the value of the assets disposed of if other information available to LHA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

LHA Policy

In determining the value of a checking account, LHA will use the average monthly balance for the last three months.

In determining the value of a savings account, LHA will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, LHA will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

LHA Policy

In determining the market value of an investment account, LHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), LHA will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25 and PH, p. 121].

LHA Policy

In determining the equity, LHA will determine market value by examining recent sales of at least three properties in the surrounding or similar neighborhood that possess comparable factors that affect market value.

LHA will first use the payoff amount for the loan (mortgage) as the unpaid balance to calculate equity. If the payoff amount is not available, the PHA will use the basic loan balance information to deduct from the market value in the equity calculation.

Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]

Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.

Interests in Indian Trust lands [24 CFR 5.603(b)]

Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25] A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

The Housing Authority must also deduct from the equity the reasonable costs for converting the asset to cash.

Using the formula for calculating equity specified above, the net cash value of real property is the market value of the loan (mortgage) minus the expenses to convert to cash [Notice PIH 2012-3].

LHA Policy

For the purposes of calculating expenses to convert to cash for real property, LHA will use ten percent of the market value of the home.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

LHA Policy

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless LHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Non-revocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, LHA must know whether the money is accessible before retirement [HCV GB, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 526], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

LHA Policy

In determining the value of personal property held as an investment, LHA will use the family's estimate of the value. LHA may obtain an appraisal if there is reason to believe that the family's estimated value is off by \$50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal. Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

LHA Policy

Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].

Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income [CFR 5.609(b)(4)]. Additionally, any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [FR Notice 11/24/08].

LHA Policy

When a delayed-start payment is received and reported during the period in which LHA is processing an annual reexamination, LHA will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with LHA. See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

Treatment of Overpayment Deductions from Social Security Benefits

The PHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2012-10].

Periodic Payments Excluded from Annual Income

Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH2012-1].

LHA Policy

LHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

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 [24 CFR 5.609(c)(16)]

Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]

Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]

Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. *Note:* EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer. Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b) (4)].

Lump sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [FR Notice 11/24/08].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

LHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “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” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, LHA must include in annual income “imputed” welfare income. LHA must request that the welfare agency inform LHA when the benefits of a public housing resident are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

For special procedures related to grievance hearings based upon LHA’s denial of a family’s request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

Offsets

The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with a tenant family.

Alimony and Child Support

LHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

LHA Policy

LHA will count court-awarded amounts for alimony and child support unless LHA verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

LHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

LHA Policy

Examples of regular contributions include: (1) regular payment of a family’s bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) “in-kind” contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by LHA. For contributions that may vary from month to month (e.g., utility payments), LHA will include an average amount based upon past history.

6-11.L. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this chapter include the following:

Reimbursement of medical expenses [24 CFR 5.609(c) (4)]

The full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c) (6)].

LHA Policy

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment **is not** considered student financial assistance and is included **in** annual income.

Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]

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) [(24 CFR 5.609(c)(8)(ii)]

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 [24 CFR 5.609(c) (10)]

Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c) (12)]

Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c) (15)]

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 [24 CFR 5.609(c)(16)]

Amounts specifically excluded by any other federal statute [24 CFR 5.609(c) (17)]. HUD publishes an updated list of these exclusions periodically. It includes:

(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 \$2,000 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 \$2,000 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 the 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)
- (s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION Overview

HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family’s adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:

- (1) \$480 for each dependent;
- (2) \$400 for any elderly family or disabled family;
- (3) The sum of the following, to the extent the sum exceeds three percent of annual income:
 - (i) Unreimbursed medical expenses of any elderly family or disabled family;
 - (ii) 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. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

Anticipating Expenses

LHA Policy

Generally, LHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses), LHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, LHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. LHA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

A deduction of \$480 is taken for each dependent [24 CFR 5.611(a)(1)]. *Dependent* is defined as any family member other than the head, spouse, or co-head who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of \$400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An *elderly family* is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a *disabled family* is a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or co-head is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

Definition of Medical Expenses

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean “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.”

LHA Policy

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

Medical expenses include but are not limited to: services of physicians and other health care professionals, services of health care facilities, insurance premiums (including the cost of Medicare), prescription and non-prescription medicines (as recommended by a medical practitioner as treatment for a specific medical condition diagnosed by a physician), transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. Additional guidance on acceptable medical deductions may be sought from information provided by the US Department of Treasury/IRS Publication 502. To be considered by LHA for the purpose of determining a deduction from income the expenses claimed must be verifiable.

(i) For elderly families without disability expenses: the amount of the deduction shall equal total medical expenses less three percent of annual income.

(ii) For elderly families with both disability and medical expenses: the amount of the deduction is calculated as described in paragraph 1.(c)(ii) above.

(b) Elderly/Disabled Household Exemption. An exemption of \$400 per household.

Families That Qualify for Both Medical and Disability Assistance Expenses

LHA Policy

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, LHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work,

(2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

LHA Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, LHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When LHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members’ incomes [PH Occ. GB, p. 124].

Eligible Disability Expenses

Examples of auxiliary apparatus are provided in the *PH Occupancy Guidebook* as follows: “Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals” [PH Occ. GB, p. 124], but only if these items are directly related to permitting the disabled person or other family member to work [HCV GB, p. 5-30].

HUD advises PHAs to further define and describe auxiliary apparatus [VG, p. 30].

Eligible Auxiliary Apparatus

LHA Policy

Expenses incurred for maintaining or repairing an auxiliary apparatus is eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care

The family determines the type of attendant care that is appropriate for the person with disabilities.

LHA Policy

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, LHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members

No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)].

However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are reimbursed by an outside source.

Necessary and Reasonable Expenses

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

LHA Policy

LHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, LHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and LHA will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expenses

LHA Policy

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, LHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

HUD defines *child care expenses* at 24 CFR 5.603(b) as “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 child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses.

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

LHA Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, LHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

LHA Policy

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by LHA.

Furthering Education

LHA Policy

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

LHA Policy

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full-or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

LHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

LHA Policy

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, LHA generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses

The type of care to be provided is determined by the tenant family. LHA may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

Allowable Child Care Activities

LHA Policy

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, LHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

LHA Policy

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, LHA will use the schedule of child care costs from the local welfare agency. Families may present, and LHA will consider, justification for costs that exceed typical costs in the area.

6-II.G. PERMISSIVE DEDUCTIONS [24 CFR 5.611(b)(1)]

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If LHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ. GB, p. 128].

The *Form HUD-50058 Instruction Booklet* states that the maximum allowable amount for total permissive deductions is less than \$90,000 per year.

LHA Policy

LHA has opted not to use permissive deductions.

PART III: CALCULATING RENT

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by LHA.

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)

10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)

The welfare rent (in as-paid states only)

A minimum rent between \$0 and \$50 that is established by LHA

LHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

Welfare Rent [24 CFR 5.628]

LHA Policy

Welfare rent does not apply in this locality. **Minimum Rent [24 CFR 5.630]**

LHA Policy

The minimum rent for all localities is \$50.

Optional Changes to Income-Based Rents [24 CFR 960.253(c) (2) and PH Occ. GB, pp. 131-134]

PHAs have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of LHA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents.

LHA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to LHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents. The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

LHA Policy

LHA chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance). Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH Occ. GB, p. 135].

LHA Policy

LHA chooses not to use ceiling rents.

Utility Reimbursement [24 CFR 960.253(c) (3)]

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits LHA to pay the reimbursement to the family or directly to the utility provider.

LHA Policy

LHA will make utility reimbursements to the family. Upon agreement with the resident, the utility reimbursement may be applied toward any outstanding charges owed by the resident to the Housing Authority.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

LHA Policy

The financial hardship rules do not apply in this jurisdiction because LHA has established a minimum rent of \$50.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, LHA must use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing and updating utility allowances, see Chapter 16.

Reasonable Accommodation [24 CFR 8]

On request from a family, PHAs must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ. GB, p. 172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ. GB, p. 172].

See Chapter 2 for policies related to reasonable accommodations.

Utility Allowance Revisions [24 CFR 965.507]

LHA must review its schedule of utility allowances each year. Between annual reviews, LHA must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ. GB, p. 171]. The tenant rent calculations must reflect any changes in LHA's utility allowance schedule [24 CFR 960.253(c) (3)].

LHA Policy

Unless LHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted. LHA will not do a re-exam solely for purposes of implementing a new utility allowance.

6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. LHA must prorate the assistance provided to a mixed family. LHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, LHA must:

- (1) Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.
- (2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).
- (3) Multiply the member maximum subsidy by the number of eligible family members.
- (4) Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.
- (5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family. LHA Policy Revised public housing maximum rents will be applied to a family's rent calculation at the first annual reexamination after the revision is adopted. For policies related to the establishment of the public housing maximum rent see Chapter 16.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]

Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by LHA is the amount the family pays. Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and reviews of flat rents are contained in Chapter 16.

Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, LHA must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. LHA must document that flat rents were offered to families under the methods used to determine flat rents for LHA.

LHA Policy

The annual PHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination.

LHA will enter the projected income-based rent (TTP minus utility allowance) and the flat rent for the unit on the Choice of Rent form. The family will select the rent and sign the form. The form is retained in the tenant file.

LHA must provide sufficient information for families to make an informed choice. This information must include LHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year LHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If LHA determines that a financial hardship exists, LHA must immediately allow the family to switch from flat rent to the income-based rent.

LHA Policy

Upon determination by LHA that a financial hardship exists, LHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request. A family making this switch would remain on income-based rent until the next annual reexamination.

Reasons for financial hardship include:

The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance

The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items.

Such other situations determined by LHA to be appropriate LHA Policy LHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ. GB, p. 137].

Change in Flat Rents

LHA Policy

Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit [PH Occ. GB, pp. 137-138].

Flat Rents and Earned Income Disallowance [A&O FAQs]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member's 48-month lifetime limit expire while the family is paying flat rent.

Flat Rents and Mixed Families [A&O FAQs]

Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the *Form HUD-50058 Instruction Booklet*.

If the flat rent is greater than or equal to the public housing maximum rent, there is no proration of flat rent and the family pays the flat rent for the unit.

If the flat rent is less than the maximum rent, the worksheet will calculate a prorated flat rent. The mixed family will pay the prorated flat rent.

EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

(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) Which are not specifically excluded in paragraph (c) of this SECTION?

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be 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 will be 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 shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b) (2) of this section. Any withdrawal of cash or assets from an investment will be 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 shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

- (4) The full amount of periodic 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 (except as provided in paragraph (c)(14) of this section);
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c) (3) of this section);
- (6) Welfare assistance payments.
- (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments: (A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and (B) Are not otherwise excluded under paragraph (c) of this section.
- (ii) 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 shall consist of: (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus (B) 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 paragraph shall be the amount resulting from one application of the percentage.
- (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 (except as provided in paragraph (c) (7) of this section)
- (9) For section 8 programs only and as provided in 24 CFR 5.612, 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.

HHS DEFINITION OF "ASSISTANCE"

45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

260.31 What does the term "assistance" mean?

- (a)(1) The term "assistance" includes 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).
- (2) It includes such benefits even when they are:
- (i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and (ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).
- (3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.
- (b) [The definition of "assistance"] excludes: (1) Non-recurrent, short-term benefits that: (i) Are designed to deal with a specific crisis situation or episode of need; (ii) Are not intended to meet recurrent or ongoing needs; and (iii) Will not extend beyond four months. (2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training); (3) Supportive services such as child care and transportation provided to families who are employed; (4) Refundable earned income tax credits; (5) Contributions to, and distributions from, Individual Development Accounts; (6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and (7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance

EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

24 CFR 5.609

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) 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 (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (6) Subject to paragraph (b) (9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
(ii) 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); (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
(iv) 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 PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
(v) 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;
- (9) Temporary, nonrecurring or sporadic income (including gifts);
- (10) 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;
- (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (12) Adoption assistance payments in excess of \$480 per adopted child;
- (13) [Reserved]
- (14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- (15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
- (16) Amounts paid by a State agency to a family with a 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
- (17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following list of benefits that qualify for this exclusion.]

Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits

- 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).

EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) Net Family Assets

- (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- (2) 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 under Sec. 5.609.
- (3) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (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.
- (4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

EXHIBIT 6-4: EARNED INCOME DISALLOWANCE

24 CFR 960.255 Self-sufficiency incentive—Disallowance of increase in annual income.

(a) *Definitions.* The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

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

Qualified family. A family residing in public housing:

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

(b) *Disallowance of increase in annual income.*

- (1) *Initial twelve month exclusion.* During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income (as defined in 5.609 of this title) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.
- (2) *Second twelve month exclusion and phase-in.* During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.
- (3) *Maximum four year disallowance.* The disallowance of increased income of an individual family member as provided in paragraph (b)(1) or (b)(2) of this section is limited to a lifetime 48 month period. It only applies for a maximum of twelve months for disallowance under paragraph (b)(1) and a maximum of twelve months for disallowance under paragraph (b)(2), during the 48 month period starting from the initial exclusion under paragraph (b)(1) of this section.

(c) *Inapplicability to admission.* The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

(d) *Individual Savings Accounts.* As an alternative to the disallowance of increases in income as a result of employment described in paragraph (b) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income-based rent, in accordance with a written policy, which must include the following provisions:

(1) The PHA must advise the family that the savings account option is available;

(2) At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (b) of this section;

(3) Amounts deposited in a savings account may be withdrawn only for the purpose of:

(i) Purchasing a home;

(ii) Paying education costs of family members;

(iii) Moving out of public or assisted housing; or

(iv) Paying any other expense authorized by the PHA for the purpose of promoting the economic self-sufficiency of residents of public housing;

(4) The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA may not charge a fee for maintaining the account;

(5) At least annually the PHA must provide the family with a report on the status of the account; and

(6) If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the PHA

EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615 Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) *Applicability.* This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) *Definitions.* The following definitions apply for purposes of this section:

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.

Economic self-sufficiency program. See definition at Sec. 5.603.

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

Specified welfare benefits reduction.

(1) 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.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency: (i) at expiration of a lifetime or other time limit on the payment of welfare benefits; (ii) 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 (iii) because a family member has not complied with other welfare agency requirements.

(c) *Imputed welfare income.*

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA 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 PHA of any

subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA 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 the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA 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

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55 (e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA 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 PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA 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 PHA. However, the PHA 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.

(3) 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 PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

Chapter 7 VERIFICATION

[24 CFR 960.259, 24 CFR 5.230, Notice PIH 2010-19]

INTRODUCTION

LHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and tenants must cooperate with the verification process as a condition of receiving assistance. LHA must not pass on the cost of verification to the family.

LHA will follow the verification guidance provided by HUD in Notice PIH 2010-19 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary LHA policies.

Part I describes the general verification process. More detailed requirements related to individual factors are provided in subsequent parts including family information (Part II), income and assets (Part III), and mandatory deductions (Part IV). Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies established by LHA.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 960.259, 24 CFR 5.230]

The family must supply any information that LHA or HUD determines is necessary to the administration of the program and must consent to LHA verification of that information [24 CFR 960.259(a)(1)].

LHA Policy

Per PIH Notice 2013-03, LHA is opting to streamline reexaminations of income for elderly families and disabled families when 100 percent of the family's income consists of fixed income. In a streamlined examination, LHA will recalculate family incomes by applying any published cost of living adjustments to the previously verified income amount. For purposes of this policy, the term "fixed income" includes some income from: Social Security payments to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI); Federal, State, local and private pension plans; and Other periodic payments received from annuities, insurance policies, retirement funds, disability benefits, and other similar types of periodic receipt that are of substantially the same amounts from year to year.

Consent Forms

It is required that all adult applicants and tenants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and LHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, LHA will deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with LHA's grievance procedures.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS HUD's Verification Hierarchy [Notice PIH 2010-19]

HUD authorizes LHA to use six methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires LHA to use the most reliable form of verification that is available and to document the reasons when LHA uses a lesser form of verification.

LHA Policy In order of priority, the forms of verification that LHA will use are:

1. Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
2. Up-front Income Verification (UIV) using a non-HUD system Written Third Party Verification (may be provided by applicant or resident)
3. Written Third-party Verification Form
4. Oral Third-party Verification
5. Self-Certification

Each of the verification methods is discussed in subsequent sections below.

Requirements for Acceptable Documents

LHA Policy

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of the date they are provided to LHA. The documents must not be damaged, altered or in any way illegible. Print-outs from web pages are considered original documents.

LHA staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

Any family self-certifications must be made in a format acceptable to LHA and must be signed in the presence of a LHA representative or LHA notary public.

File Documentation

LHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that LHA has followed all of the verification policies set forth in this ACOP. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

LHA Policy

LHA will document, in the family file, the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing the adjusted income or income-based rent determination

When LHA is unable to obtain third-party verification, LHA will document in the family file the reason that third-party verification was not available [24 CFR 960.259(c)(1); Notice PIH 2010-19].

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to LHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to LHA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until LHA has independently verified the UIV information and the family has been granted the opportunity to contest any adverse findings through LHA's informal review/hearing processes. (For more on UIV and income projection, see section 6-I.C.)

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

HUD's EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for resident families. HUD requires LHA to use the EIV system in its entirety. The following policies apply to the use of HUD's EIV system.

EIV Income Reports

The data shown on income reports is updated quarterly. Data may be between three and six months old at the time reports are generated.

LHA Policy

LHA will obtain income reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

Income reports will be compared to family-provided information as part of the annual reexamination process. Income reports may be used in the calculation of annual income, as described in Chapter 6.I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in Chapter 6.I.C. and in this chapter.

Income reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Income reports will be retained in resident files with the applicable annual or interim reexamination documents.

When LHA determines through income reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

EIV Discrepancy Reports

The EIV discrepancy report is a tool for identifying families that may have concealed or underreported income. Data in the discrepancy report represents income for past reporting periods and may be between 6 and 30 months old at the time reports are generated.

Families that have not concealed or underreported income may appear on the discrepancy report in some circumstances, such as loss of a job or addition of new family members.

Income discrepancies may be identified through use of the EIV "Income Discrepancy Report" or by review of the discrepancy tab for the individual family.

LHA Policy

LHA will generate the Income Discrepancy Report at least once every 6 months.

When LHA determines that a resident appearing on the Income Discrepancy Report has not concealed or underreported income, the resident's name will be placed on a list of "false positive" reviews. To avoid multiple reviews in this situation, residents appearing on this list will be eliminated from discrepancy processing until a subsequent interim or annual reexamination has been completed.

LHA will review the EIV discrepancy tab during processing of annual and interim reexaminations.

When it appears that a family may have concealed or underreported income, LHA will request independent written third-party verification of the income in question.

When LHA determines through file review and independent third-party verification that a family has concealed or underreported income, corrective action will be taken pursuant to the policies in Chapter 15, Program Integrity.

EIV Identity Verification

The EIV system verifies resident identities against Social Security Administration (SSA) records. These records are compared to Public and Indian Housing Information Center (PIC) data for a match on social security number, name, and date of birth.

PHAs are required to use EIV's *Identity Verification Report* on a monthly basis to improve the availability of income information in EIV [Notice PIH 2012-10].

When identity verification for a resident fails, a message will be displayed within the EIV system and no income information will be displayed.

LHA Policy

LHA will identify residents whose identity verification has failed by reviewing EIV's *Identity Verification Report* on a monthly basis. LHA will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the tenant. When LHA determines that discrepancies exist as a result of LHA errors, such as spelling errors or incorrect birth dates, it will correct the errors promptly.

Upfront Income Verification Using Non-HUD Systems (Optional)

In addition to mandatory use of the EIV system, HUD encourages PHAs to utilize other upfront verification sources.

LHA Policy LHA will inform all applicants and residents of its use of the following UIV resources during the admission and reexamination process:

HUD's EIV system

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD's current verification hierarchy defines two types of written third-party verification. The more preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to LHA by the family. If written third-party verification is not available, LHA must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

Written Third-Party Verification [Notice PIH 2010-19]

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

LHA is required to obtain, at minimum, two current and consecutive pay stubs for determining annual income from wages.

LHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

LHA Policy

Third-party documents provided by the family must be dated generally within 60 days of LHA request date.

If LHA determines that third-party documents provided by the family are not acceptable, LHA will explain the reason to the family and request additional documentation.

As verification of earned income, LHA will request pay stubs covering the 60-day period prior to LHA's request.

Written Third-Party Verification Form

When upfront verification is not available and the family is unable to provide written third-party documents, LHA must request a written third-party verification form. HUD's position is that this traditional third-party verification method presents administrative burdens and risks which may be reduced through the use of family-provided third-party documents.

A written third-party verification form is mandatory when there is an unreported source of income or a substantial difference in reported income (\$2400 annually or more) and there is no UIV or tenant-provided documentation to support the income discrepancy.

PHAs may mail, fax, or e-mail third-party written verification form requests to third-party sources.

LHA Policy

LHA will send third-party verification forms directly to the third party.

Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by LHA.

Oral Third-Party Verification [Notice PIH 2010-19]

For third-party oral verification, PHAs contact sources, identified by UIV techniques or by the family, by telephone or in person.

Oral third-party verification is mandatory if neither form of written third-party verification is available.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., 10 business days.

PHAs should document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

LHA Policy

In collecting third-party oral verification, LHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

When any source responds verbally to the initial written request for verification LHA will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

When Third-Party Verification is Not Required [Notice PIH 2010-19]

Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment.

LHA Policy

If the family cannot provide original documents, LHA will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost.

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Imputed Assets

LHA may accept a self-certification from the family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

LHA Policy

LHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

7-I.E.	Verification of Legal Identity for Adults	Verification of Legal Identity for Children	SELF-
	Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicle identification card U.S. military discharge (DD 214) U.S. passport Employer identification card	Certificate of birth Adoption papers Custody agreement Health and Human Services ID School records	

CERTIFICATION

Self-certification, or “tenant declaration,” is used as a last resort when LHA is unable to obtain third-party verification. When LHA relies on a tenant declaration for verification of income, assets, or expenses, the family’s file must be documented to explain why third-party verification was not available.

LHA Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to LHA.

LHA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to LHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a LHA representative or LHA notary public.

LHA may accept a family's declaration of the amount of assets of less than \$5,000, and the amount of income expected to be received from those assets. Where the family has less than \$5,000 in assets, the LHA does not need supporting documentation (e.g. bank statements) from the family to confirm the assets or the income from those assets. [PIH Notice 2013-03]

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

LHA Policy

LHA will require families to furnish verification of legal identity for each household member.

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at LHA’s discretion, a third party who knows the person may attest to the person’s identity. The certification must be provided in a format acceptable to LHA and be signed in the presence of a LHA representative or LHA notary public. Legal identity will be verified on an as needed basis.

7-I.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and Notice PIH 2012-10]

The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include, existing residents who were at least 62 years of age as of April 30, 2010, and had not previously disclosed an SSN.

LHA must accept the following documentation as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

LHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, or is not legible, or if the document appears to be forged.

LHA Policy

LHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to LHA within 90 days.

When the resident requests to add a new household member the resident must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. LHA may not add the new household member until such documentation is provided.

When a resident requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90day extension will be granted if LHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control. During the period LHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

LHA Policy

LHA will grant one additional 90-day extension if needed for reasons beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Social security numbers must be verified only once during continuously-assisted occupancy.

LHA Policy

LHA will verify each disclosed SSN by:

- Obtaining documentation from applicants and residents that is acceptable as evidence of social security numbers,
- Making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder
- Once the individual's verification status is classified as "verified," LHA may, at its discretion, remove and destroy copies of documentation accepted as evidence of social security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

LHA Policy

Once an individual's status is classified as "verified" in HUD's EIV system, LHA will remove and destroy copies of documentation accepted as evidence of social security numbers.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

LHA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, LHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age must be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and tenants are required to identify the relationship of each household member to the head of household.

Definitions of the primary household relationships are provided in the Eligibility chapter.

LHA Policy

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

Marriage

LHA Policy

Certification by the head of household is normally sufficient verification. If LHA has reasonable doubts about a marital relationship, LHA will require the family to document the marriage.

A marriage certificate generally is required to verify that a couple is married.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

LHA Policy

Certification by the head of household is normally sufficient verification. If LHA has reasonable doubts about a separation or divorce, LHA will require the family to document the divorce, or separation.

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

LHA Policy

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Foster Children and Foster Adults

LHA Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

7-II.E. VERIFICATION OF STUDENT STATUS

LHA Policy

LHA requires families to provide information about the student status of all students who are 18 years of age or older.

This information will be verified only if:

The family claims full-time student status for an adult other than the head, spouse, or co-head, or

The family claims a child care deduction to enable a family member to further his or her education.

7-II.F. DOCUMENTATION OF DISABILITY

LHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income.

LHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. LHA may not

inquire about a person's diagnosis or details of treatment for a disability or medical condition. If LHA receives a verification document that provides such information, LHA will not place this information in the tenant file. Under no circumstances will LHA request a resident's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' Web site at www.FL.gov.

LHA may make the following inquiries, provided it makes them of all applicants, whether or not they are persons with disabilities:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiry about whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiry about whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of receipt of disability benefits from the Social Security Administration (SSA) is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions.

LHA Policy

For family members claiming disability who receive disability payments from the SSA, LHA will attempt to obtain information about disability benefits through HUD's Enterprise Income Verification (EIV) system. If documentation is not available through HUD's EIV system, LHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If a family member is unable to provide the document, LHA will ask the family to obtain a benefit verification letter either by calling SSA at 1-800-772-1213 or by

requesting one from www.ssa.gov. Once the family receives the benefit verification letter, it will be required to provide the letter to LHA.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.403, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

LHA Policy

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See the Eligibility chapter for detailed discussion of eligibility requirements. This chapter (7) discusses HUD and LHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy [24 CFR 5.508(g)(5)]

Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

LHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

LHA Policy

Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless LHA receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

LHA Verification [HCV GB, pp 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this ACOP. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, LHA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

LHA will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

LHA must verify any preferences claimed by an applicant.

LHA Policy

LHA offers a preference for working families, described in Section 4-III.B.

LHA may verify that the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating that the working member works at least 20 hours per week. The paycheck stub must have been issued to the working member within the last thirty days.

LHA may also seek third party verification from the employer of the head, spouse, co-head or sole member of a family requesting a preference as a working family.

PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides LHA policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

Tips

LHA Policy

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

LHA Policy

Business owners and self-employed persons will be required to provide:

An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.

All schedules completed for filing federal and local taxes in the preceding year.

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

LHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination LHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, LHA will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months LHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Social Security/SSI Benefits

LHA Policy

To verify the SS/SSI benefits of applicants, LHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, LHA will help the applicant request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the original benefit verification letter, it will be required to provide the letter to LHA.

To verify the SS/SSI benefits of residents, LHA will obtain information about social security/SSI benefits through HUD's EIV system, and confirm with the resident(s) that the current listed benefit amount is correct. If the resident disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, LHA will request a current SSA benefit verification letter from each family member that receives social security benefits. If a family member is unable to provide the document, LHA will help the resident request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-7721213. Once the family has received the benefit verification letter, it will be required to provide the letter to LHA.

7-III.D. ALIMONY OR CHILD SUPPORT

LHA Policy

The way LHA will seek verification for alimony and child support differs depending on whether the family declares that it receives regular payments.

If the family declares that it *receives regular payments*, verification will be sought in the following order.

Copy of the receipts and/or payment stubs for the 60 days prior to LHA request

Third-party verification form from the state or local child support enforcement agency

Third-party verification form from the person paying the support

Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

If the family declares that it *receives irregular or no payments*, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS-Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. LHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

LHA Policy

LHA will verify the value of assets disposed of only if:

LHA does not already have a reasonable estimation of its value from previously collected information, or The amount reported by the family in the certification appears obviously in error.

Example 1: An elderly resident reported a \$10,000 certificate of deposit at the last annual reexamination and LHA verified this amount. Now the person reports that she has given this \$10,000 to her son. LHA has a reasonable estimate of the value of the asset; therefore, re-verification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately 5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, LHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

LHA Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, LHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

LHA Policy

LHA will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.

The type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, LHA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, LHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, LHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

LHA must obtain verification for income exclusions only if, without verification, LHA would not be able to determine whether the income is to be excluded. For example: If a family's 16 year old has a job at a fast food restaurant, LHA will confirm that LHA records verify the child's age but will not require third-party verification of the amount earned. However, if a family claims the earned income disallowance for a source of income, both the source and the income must be verified.

LHA Policy

LHA will reconcile differences in amounts reported by the third party and the family only when the excluded amount is used to calculate the family's rent (as is the case with the earned income disallowance). In all other cases, LHA will report the amount to be excluded as indicated on documents provided by the family.

7-III.I. ZERO ANNUAL INCOME STATUS

LHA Policy

LHA will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by families claiming to have zero annual income. These families will be re-certifying at least every 6 months.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that LHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. LHA will verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse or co-head of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See the Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. LHA will verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

LHA Policy

Medical expenses will be verified through:

Written third-party documents provided by the family, such as pharmacy printouts or receipts.

LHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. LHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

Written third-party verification forms, if the family is unable to provide acceptable documentation.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

In addition, LHA must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62 or a person with disabilities. LHA will verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter, and as described in Chapter 7 (7-IV.A) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for LHA's policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

LHA Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

Expenses Incurred in Past Years

LHA Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, LHA will verify: The anticipated repayment schedule, the amounts paid in the past, and whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

LHA Policy LHA will accept written third-party documents provided by the family. If family-provided documents are not available, LHA will provide a third-party verification form directly to the care provider requesting the needed information. Expenses for attendant care will be verified through:

Written third-party documents provided by the family, such as receipts or cancelled checks. Third-party verification form signed by the provider, if family-provided documents are not available. If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

Auxiliary Apparatus

LHA Policy Expenses for auxiliary apparatus will be verified through: Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months. Third-party verification form signed by the provider, if family-provided documents are not available. If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months. In addition, LHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. LHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

LHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

LHA Policy

LHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

LHA Policy

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I. In addition, LHA must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable.

Eligible Child

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. LHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the child care deduction, the costs must not be reimbursed by another source.

LHA Policy

The family will be required to certify that the child care expenses are not paid by or reimbursed to the family from any source.

Pursuing an Eligible Activity

LHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

LHA Policy

Information to be gathered

LHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible, LHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases LHA will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to LHA any reports provided to the other agency. In the event third-party verification is not available, LHA will provide the family with a form on which the family member must record job search efforts. LHA will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

LHA will request third-party documentation to verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

Gainful Employment

LHA will seek third-party verification of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family

Exhibit 7-1: Summary of Documentation Requirements for Noncitizens [HCV GB, pp. 5-9 and 5-10]

<ul style="list-style-type: none"> • All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to LHA. • Except for persons 62 or older, all noncitizens must sign a verification consent form • Additional documents are required based upon the person's status. 	
<p>Elderly Noncitizens • A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.</p>	
<p>All other Noncitizens • Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.</p>	
<ul style="list-style-type: none"> • Form I-551 Alien Registration Receipt Card (for permanent resident aliens) • Form I-94 Arrival-Departure Record annotated with one of the following: • “Admitted as a Refugee Pursuant to Section 207” • “Section 208” or “Asylum” • “Section 243(h)” or “Deportation stayed by Attorney General” • “Paroled Pursuant to Section 221 (d)(5) of the USCIS” 	<ul style="list-style-type: none"> • Form I-94 Arrival-Departure Record with no annotation accompanied by: • A final court decision granting asylum (but only if no appeal is taken); • A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90); • A court decision granting withholding of deportation; or • A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).
<ul style="list-style-type: none"> • Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”. 	<ul style="list-style-type: none"> Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”.
<ul style="list-style-type: none"> • A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or • Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the <i>Federal Register</i> 	

members may be verified. The documentation may be provided by the family.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

LHA Policy

LHA will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

LHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

LHA will verify that the child care provider is not an assisted family member. Verification will be made through the head of household’s declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable child care costs can be deducted.

LHA Policy

The actual costs the family incurs will be compared with LHA’s established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, LHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

Chapter 8 LEASING AND INSPECTIONS

[24 CFR 5, Subpart G; 24 CFR 966, Subpart A]

INTRODUCTION Public housing leases are the basis of the legal relationship between LHA and the tenant. All units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations.

HUD rules also require LHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, LHA may require additional inspections in accordance with LHA policy.

This chapter is divided into two parts as follows:

Part I: Leasing. This part describes pre-leasing activities and LHA’s policies pertaining to lease execution, modification, and payments under the lease.

Part II: Inspections. This part describes LHA’s policies for inspecting dwelling units.

PART I: LEASING

8-I.A. OVERVIEW

An eligible family may occupy a public housing dwelling unit under the terms of a lease. The lease must meet all regulatory requirements, and must also comply with applicable state and local laws and codes.

The term of the lease must be for a period of 12 months. The lease must be renewed automatically for another 12-month term, except that LHA may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)]. PIH Notice 2015-12.

Part I of this chapter contains regulatory information, when applicable, as well as LHA’s policies governing leasing issues.

8-I.B. LEASE ORIENTATION

LHA Policy

After unit acceptance but prior to occupancy, a LHA representative will provide a lease orientation to the family. The head of household or spouse is required to attend.

Orientation Agenda

LHA Policy

When families attend the lease orientation, they will be provided with: A copy of the lease including LHA’s grievance procedure a copy of the resident handbook. A copy of the pamphlet *Protect Your Family from Lead in Your Home* a copy of “Is Fraud worth It?” (Form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse. (Included in resident handbook) A copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19 Information about the protections afforded by the Violence against Women Act of 2005 (VAWA) to victims of domestic violence, dating violence, and stalking (see section 16-VII.C)

Topics to be discussed will include: Applicable deposits and other charges Review and explanation of lease provisions Unit maintenance and work orders LHA’s reporting requirements Explanation of occupancy forms Community service requirements Family choice of rent VAWA protections

8-I.C. EXECUTION OF LEASE

The lease must be executed by the tenant and LHA, except for automatic renewals of a lease [24 CFR 966.4(a)(3)].

A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one LHA unit to another.

The lease must state the composition of the household as approved by LHA (family members and any PHA-approved live-in aide) [24 CFR 966.4(a) (1)(v)]. See Section 8-I.D. for policies regarding changes in family composition during the lease term.

LHA Policy

The head of household, spouse or co-head, and all other adult members of the household will be required to sign the public housing lease prior to admission. An appointment will be scheduled for the parties to execute the lease. The head of household will be provided a copy of the executed lease and LHA will retain a copy in the resident’s file.

Files for households that include a live-in aide will contain file documentation signed by the live-in aide, that the live-in aide is not a party to the lease and is not entitled to LHA assistance. The live-in aide is only approved to live in the unit while serving as the attendant for the participant family member.

8-I.D. MODIFICATIONS TO THE LEASE

The lease may be modified at any time by written agreement of the tenant and LHA [24 CFR 966.4(a)(3)].

Modifications to the Lease Form

LHA may modify its lease from time to time. However, LHA must give residents 30 days advance notice of the proposed changes and an opportunity to comment on the changes. LHA must also consider any comments before formally adopting the new lease [24 CFR 966.3].

After proposed changes have been incorporated into the lease and approved by the Board, each family must be notified at least 60 days in advance of the effective date of the new lease or lease revision. A resident's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy [24 CFR 966.4(1)(2)(iii)(E)].

LHA Policy

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause in accordance with the policies in Chapter 13.

Schedules of special charges and rules and regulations are subject to modification or revision. Because these schedules are incorporated into the lease by reference, residents and resident organizations must be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and must be given an opportunity to present written comments. The notice must be delivered directly or mailed to each tenant; or posted in at least three conspicuous places within each structure or building in which the affected dwelling units are located, as well as in a conspicuous place at the project office, if any, or if none, a similar central business location within the project. Comments must be taken into consideration before any proposed modifications or revisions become effective [24 CFR 966.5].

After the proposed revisions become effective they must be publicly posted in a conspicuous manner in the project office and must be furnished to applicants and tenants on request [24 CFR 966.5].

LHA Policy

When LHA proposes to modify or revise schedules of special charges or rules and regulations, LHA will post a copy of the notice in the central office, and will mail a copy of the notice to each resident family. Documentation of proper notice will be included in each resident file.

Other Modifications

LHA Policy

The lease will be amended to reflect all changes in family composition.

If, for any reason, any member of the household ceases to reside in the unit, the lease will be amended by drawing a line through the person's name. The head of household and LHA will be required to initial and date the change.

If a new household member is approved by LHA to reside in the unit, the person's name will be added to the lease. The head of household and LHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the lease.

Policies governing when and how changes in family composition must be reported are contained in Chapter 9, Reexaminations.

8-I.E. SECURITY DEPOSITS [24 CFR 966.4(b)(5)]

At the option of LHA, the lease may require security deposits. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by LHA. LHA requires the family to pay the security deposit in full prior to occupancy.

LHA Policy

Residents must pay a security deposit to LHA at the time of admission. The amount of the security deposit will be equal to the family's total tenant payment at the time of move-in, and must be paid in full prior to occupancy.

LHA will hold the security deposit for the period the family occupies the unit. LHA will not use the security deposit for rent or other charges while the resident is living in the unit.

Within 31 days after the termination of the tenancy and delivery of possession of the unit, LHA will refund to the resident the amount of the security deposit, less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease.

LHA will provide the resident with a written list of any charges against the security deposit within 30 business days of the end of liability for rent. If the resident disagrees with the amount charged, LHA will provide a meeting to discuss the charges.

8-I.F. PAYMENTS UNDER THE LEASE Rent Payments [24 CFR 966.4(b)(1)]

Families must pay the amount of the monthly tenant rent determined by LHA in accordance with HUD regulations, Florida Landlord Tenant law and other requirements. The amount of the tenant rent is subject to change in accordance with HUD requirements.

The lease must specify the initial amount of the tenant rent at the beginning of the initial lease term, and LHA must give written notice stating any change in the amount of tenant rent and when the change is effective.

LHA Policy

The tenant rent is due and payable to LHA on the first of every month.

If a family's tenant rent changes, LHA will notify the family of the new amount and the effective date by sending a "Notice of Rent Adjustment" which will become an attachment to the lease.

Late Fees and Nonpayment

The LHA lease provides for payment of penalties when the family is late in paying tenant rent [24 CFR 966.4(b) (3)]. The lease must provide that late payment fees are not due and collectible until two weeks after LHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b) (4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under LHA grievance procedures. LHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e) (8)].

LHA Policy

If the family fails to pay their rent, or have a payment postmarked, by the seventh day of the month, and LHA has not agreed to accept payment at a later date, a 14 day Notice to Vacate will be issued to the resident for failure to pay rent, demanding payment in full or the surrender of the premises.

In addition, if the resident fails to make payment by the end of the day (mid-night) or have a payment postmarked by the seventh day of the month, a late fee of \$25.00 will be charged. Notices of late fees will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, LHA may not take action for nonpayment of the fee until the conclusion of the grievance process. If the resident can document financial hardship, the late fee may be waived on a case-by-case basis.

When a check is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of \$50.00 will be charged to the family. The fee will be due and payable 14 days after billing.

Excess Utility Charges

If LHA charges the tenant for consumption of excess utilities, the lease must state the basis for the determination of such charges. The imposition of charges for consumption of excess utilities is permissible only if the charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances [24 CFR 966.4(b) (2)].

Schedules of special charges for utilities that are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the development office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for excess utility consumption are not due and collectible until two weeks after LHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b) (4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under LHA grievance procedures. LHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e) (8)].

LHA Policy

When applicable, families will be charged for excess utility usage according to LHA's current posted schedule. Notices of excess utility charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the

required timeframe, LHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of excess utility charges is a violation of the lease and is grounds for eviction.

Maintenance and Damage Charges

If LHA charges the tenant for maintenance and repair beyond normal wear and tear, the lease must state the basis for the determination of such charges [24 CFR 966.4(b) (2)].

Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference must be publicly posted in a conspicuous manner in the Community Management office and must be furnished to applicants and tenants on request [24 CFR 966.5].

The lease must provide that charges for maintenance and repair beyond normal wear and tear are not due and collectible until two weeks after LHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action [24 CFR 966.4(b) (4)].

The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under LHA grievance procedures. LHA must not take the proposed action until the time for the tenant to request a grievance hearing has expired, or (if a hearing was requested within the required timeframe,) the grievance process has been completed [24 CFR 966.4(e) (8)].

LHA Policy

When applicable, families will be charged for maintenance and/or damages according to LHA's current schedule. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Notices of maintenance and damage charges will be mailed monthly and will be in accordance with requirements regarding notices of adverse actions. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, LHA may not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

PART II: INSPECTIONS

8-II.A. OVERVIEW

HUD rules require LHA to inspect each dwelling unit prior to move-in, at move-out, and annually during occupancy. In addition, LHA may require additional inspections, in accordance with LHA Policy. This part contains LHA's policies governing inspections, notification of unit entry, and inspection results.

8-II.B. TYPES OF INSPECTIONS

Move-In Inspections [24 CFR 966.4(i)]

The lease must require LHA and the family to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by LHA and the resident, must be provided to the tenant and be kept in the resident file.

LHA Policy

Any adult family member may attend the initial inspection and sign the inspection form for the head of household.

Move-Out Inspections [24 CFR 966.4(i)]

LHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to LHA. LHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

LHA Policy

When applicable, LHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 31 days after termination of the tenancy and delivery of possession to LHA

Annual Inspections [24 CFR 5.705]

LHA is required to inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS). Under the Public Housing Assessment System (PHAS), HUD's physical condition inspections do not relieve LHA of this responsibility to inspect its units [24 CFR 902.20(d)].

Quality Control Inspections

The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame

LHA Policy

Supervisory quality control inspections will be conducted in accordance with LHA's maintenance plan.

Special Inspections

LHA Policy

LHA staff may conduct a special inspection for any of the following reasons:

- Housekeeping Unit condition
- Suspected lease violation
- Preventive maintenance+
- Routine maintenance
- There is reasonable cause to believe an emergency exists

Other Inspections

LHA Policy

Building exteriors, grounds, common areas and systems will be inspected according to LHA's maintenance plan.

8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS Notice of Entry

Non-emergency Entries [24 CFR 966.4(j)(1)]

LHA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of LHA entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification.

LHA Policy

LHA will notify the resident in writing at least 48 hours prior to any non-emergency inspection.

For regular annual inspections, the family will receive at least 2 weeks written notice of the inspection to allow the family to prepare the unit for the inspection.

Prior to entering for repairs requested by the family LHA will seek permission to enter the resident's unit if the resident is not present.

Emergency Entries [24 CFR 966.4(j) (2)]

LHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, LHA must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

Scheduling of Inspections

LHA Policy

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify LHA at least 24 hours prior to the scheduled inspection. LHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. LHA may request verification of such cause.

Attendance at Inspections

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

LHA Policy

Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

If no one is at home, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report in the unit.

8-II.D. INSPECTION RESULTS

LHA is obligated to maintain dwelling units and the project in decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs [24 CFR 966.4(h)]

If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify LHA of the damage, and LHA must make repairs within a reasonable time frame.

If the damage was caused by a household member or guest, LHA must charge the family for the reasonable cost of repairs. LHA may also take lease enforcement action against the family. If LHA cannot make repairs quickly, LHA must offer the family standard alternative accommodations. If LHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage and loss in value as a dwelling. Rent shall not be abated if the damage was caused by a household member or guest, or if the resident rejects the alternative accommodations.

LHA Policy

When conditions in the unit are hazardous to life, health, or safety, LHA will make repairs or otherwise abate the situation within 24 hours. Defects hazardous to life, health or safety include, but are not limited to, the following:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system Utilities not in service, including no running hot and cold water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors
- Locks on exterior doors
- Latches on windows
- A nonfunctional range
- A nonfunctional refrigerator
- All lighting in the units is off.

Non-emergency Repairs

LHA Policy

LHA will endeavor to correct non-life threatening health and safety defects within 15 business days of the inspection date. If LHA is unable to make repairs within that period due to circumstances beyond LHA's control (e.g. required parts or services are not available, weather conditions, etc.) LHA will notify the family of an estimated date of completion.

The family must allow LHA access to the unit to make repairs.

Resident-Caused Damages

LHA Policy

Damages to the unit beyond wear and tear will be billed to the tenant in accordance with the policies in 8-I.G., Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

Housekeeping

LHA Policy

Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, LHA will provide proper notice of a lease violation.

A re-inspection will be conducted within 18 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.

Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in lease termination.

Chapter 9 REEXAMINATIONS

[24 CFR 960.257, 960.259, 966.4]

INTRODUCTION

LHA is required to monitor each family's income and composition over time, and to adjust the family's rent accordingly. PHAs must adopt policies concerning the conduct of annual and interim reexaminations that are consistent with regulatory requirements, and must conduct reexaminations in accordance with such policies [24 CFR 960.257(c)]. (Note: Properties/Communities with Tax Credit requirements must re-certify all families regardless if they pay income based or flat rent)

The frequency with which LHA must reexamine income for a family depends on whether the family pays income-based or flat rent. HUD requires LHA to offer all families the choice of paying income-based rent or flat rent at least annually. LHA's policies for offering families a choice of rents are located in Chapter 6.

This chapter discusses both annual and interim reexaminations.

Part I: Annual Reexaminations for Families Paying Income Based Rents. This part discusses the requirements for annual reexamination of income and family composition. Full reexaminations are conducted at least once a year for families paying income-based rents.

Part II: Reexaminations for Families Paying Flat Rents. This part contains LHA's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every 3 years. This part also contains LHA's policies for conducting annual updates of family composition for flat rent families.

Part III: Interim Reexaminations. This part includes HUD requirements and LHA policies related to when a family may and must report changes that occur between annual reexaminations.

Part IV: Recalculating Tenant Rent. After gathering and verifying required information for an annual or interim reexamination, LHA must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

Policies governing reasonable accommodation, family privacy, required family cooperation and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS [24 CFR 960.257] 9-I.A. OVERVIEW

For those families who choose to pay income-based rent, LHA must conduct a reexamination of income and family composition at least annually [24 CFR 960.257(a) (1)]. For families who choose flat rents, LHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. Policies related to the reexamination process for families paying flat rent are located in Part II of this chapter.

For all residents of public housing, whether those residents are paying income-based or flat rents, LHA must conduct an annual review of community service requirement compliance pursuant PIH Notice 2015-12. This annual reexamination is also a good time to have residents sign consent forms for criminal background checks in case the criminal history of a resident is needed at some point to determine the need for lease enforcement or eviction.

LHA is required to obtain information needed to conduct reexaminations. How that information will be collected is left to the discretion of LHA. Families are required to provide current and accurate information on income, assets, allowances and deductions, family composition and community service compliance as part of the reexamination process [24 CFR 960.259].

This part contains LHA's policies for conducting annual reexaminations.

9-I.B. SCHEDULING ANNUAL REEXAMINATIONS

LHA must establish a policy to ensure that the annual reexamination for each family paying an income-based rent is completed within a 12 month period [24 CFR 960.257(a) (1)].

LHA Policy

Generally, LHA will schedule annual reexaminations to coincide with the family's anniversary date. LHA will begin the annual reexamination process approximately 120 days in advance of the scheduled effective date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family transfers to a new unit, LHA will perform a new annual reexamination, and the anniversary date will be changed.

LHA may also conduct an annual reexamination for completion prior to the anniversary date for administrative purposes.

Notification of and Participation in the Annual Reexamination Process

LHA is required to obtain information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of LHA. However, PHAs should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

LHA Policy

Families generally are required to bring or mail in annual reexamination documentation.

Notification of annual reexamination interviews will be sent by first-class mail and will inform the family of the information and documentation that must be submitted.

If a family fails to submit required documentation to LHA the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

An advocate, interpreter, or other assistant may assist the family in the annual review process.

9-I.C. CONDUCTING ANNUAL REEXAMINATIONS

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c) (2)].

LHA Policy

Families will be required to provide all documentation (as described in the reexamination notice) The required information will include a PHA-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time frame (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. LHA may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

LHA Policy

Each household member age 15 and over will be required to execute a consent form for a criminal background check as part of the annual reexamination process.

Compliance with Community Service

For families who include nonexempt individuals, LHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a) (3)].

See Chapter 11 for LHA's policies governing compliance with the community service requirement pursuant PIH Notice 2015-12.

9-I.D. EFFECTIVE DATES

As part of the annual reexamination process, LHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a) (1)].

LHA Policy

In general, an *increase* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If LHA chooses to conduct an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by LHA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date.

If LHA chooses to conduct an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by LHA.

If the family causes a delay in processing the annual reexamination, *decreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by LHA by the date specified, and this delay prevents LHA from completing the reexamination as scheduled.

PART II: REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS [24 CFR 960.257(2)]

9-II.A. OVERVIEW

HUD requires that LHA offer all families the choice of paying income-based rent or flat rent at least annually. LHA's policies for offering families a choice of rents are located in Chapter 6.

For families who choose flat rents, LHA must conduct a reexamination of family composition at least annually, and must conduct a reexamination of family income at least once every 3 years [24 CFR 960.257(a)(2)]. LHA is only required to provide the amount of income-based rent the family might pay in those years that LHA conducts a full reexamination of income and family composition, or upon request of the family after the family submits updated income information [24 CFR 960.253(e)(2)].

As it does for families that pay income-based rent, on an annual basis, LHA must also review community service compliance and should have each adult resident consent to a criminal background check.

This part contains LHA's policies for conducting reexaminations of families who choose to pay flat rents.

9-II.B. FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION

Frequency of Reexamination

LHA Policy

For families paying flat rents, LHA will conduct a full reexamination of family income and composition at least once every 3 years.

Reexamination Policies

LHA Policy

In conducting full reexaminations for families paying flat rents, LHA will follow the policies used for the annual reexamination of families paying income-based rent as set forth in Sections 9-I.B through 9-I.D above.

9-II.C. REEXAMINATION OF FAMILY COMPOSITION (“ANNUAL UPDATE”)

As noted above, full reexaminations are conducted at least every 3 years for families paying flat rents. In the years between full reexaminations, regulations require LHA to conduct a reexamination of family composition (“annual update”) [24 CFR 960.257(a)(2)].

The annual update process is similar to the annual reexamination process, except that LHA does not collect information about the family's income and expenses, and the family's rent is not recalculated following an annual update.

Scheduling

LHA must establish a policy to ensure that the reexamination of family composition for families choosing to pay the flat rent is completed at least annually [24 CFR 960.257(a)(2)].

LHA Policy

For families paying flat rents, annual updates will be conducted in each of the 2 years following the full reexamination. In scheduling the annual update, LHA will follow the policy used for scheduling the annual reexamination of families paying income-based rent as set forth in Section 9-I.B. above.

Conducting Annual Updates

The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition [24 CFR 966.4(c)(2)].

LHA Policy

Generally, the family will not be required to attend an interview for an annual update. However, if LHA determines that an interview is warranted, the family may be required to attend.

Notification of the annual update will be sent by first-class mail and will inform the family of the information and documentation that must be provided to LHA. The family will have 15 business days to submit the required information to LHA. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. LHA will accept required documentation by mail, by fax, or in person.

If the family's submission is incomplete, or the family does not submit the information in the required time frame, LHA will send a second written notice to the family. The family will have 7 business days from the date of the second notice to provide the missing information or documentation to LHA.

If the family does not provide the required documents or information within the required time frame on first request (plus any extensions), the family will be in violation of their lease and may be terminated in accordance with the policies in Chapter 13.

Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. LHA may use the results of the annual update to require the family to move to an appropriate size unit [24 CFR 960.257(a) (4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

LHA Policy

Each household member age 18 and over will be required to execute a consent form for criminal background check as part of the annual update process.

Compliance with Community Service

For families who include nonexempt individuals, LHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a) (3)].

See Chapter 11 for LHA's policies governing compliance with the community service requirement.

PART III: INTERIM REEXAMINATIONS [24 CFR 960.257; 24 CFR 966.4]

9-III.A. OVERVIEW

Family circumstances may change throughout the period between annual reexaminations. HUD and LHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances LHA must process interim reexaminations to reflect those changes. HUD regulations also permit LHA to conduct interim reexaminations of income or family composition at any time.

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition change. LHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and LHA policies describing what changes families are required to report, what changes families may choose to report, and how LHA will process both PHA-and family-initiated interim reexaminations.

9-III.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

LHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to provisions of the public housing lease, LHA has limited discretion in this area. Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 12.

LHA Policy

All families, those paying income-based rent as well as flat rent, must report all changes in family and household composition that occur between annual reexaminations (or annual updates).

LHA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require LHA approval. However, the family is required to promptly notify LHA of the addition [24 CFR 966.4(a) (1) (v)].

LHA Policy

The family must inform LHA of the birth, adoption, or court-awarded custody of a child within 7 days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request LHA approval to add a new family member [24 CFR 966.4(a)(1)(v)] or other household member (live-in aide or foster child) [24 CFR 966.4(d)(3)].

LHA may adopt reasonable policies concerning residence by a foster child or a live-in aide, and defining the circumstances in which LHA consent will be given or denied. Under such policies, the factors considered by LHA may include [24 CFR 966.4(d) (3)(i)]:

Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.

LHA's obligation to make reasonable accommodation for persons with disabilities.

LHA Policy

Families must request LHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than a total of 21 cumulative calendar days during any 12-month period and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by LHA prior to the individual moving into the unit.

LHA will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody, or marriage, if it will require the family to transfer to a larger size unit (under the transfer policy in Chapter 12), unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by LHA. Exceptions will be made on a case-by-case basis.

LHA will not approve the addition of a new family or household member unless the individual meets LHA's eligibility criteria (see Chapter 3) and documentation requirements (See Chapter 7, Part II).

If LHA determines that an individual does not meet LHA's eligibility criteria or documentation requirements, LHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

LHA will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

LHA Policy

If a family member ceases to reside in the unit, the family must inform LHA within 7 days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform LHA within 7 days.

9-III.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because LHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, LHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

LHA Policy

This section only applies to families paying income-based rent. Families paying flat rent are not required to report changes in income or expenses.

PHA-initiated Interim Reexaminations

PHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by LHA. They are not scheduled because of changes reported by the family.

LHA Policy

LHA will conduct interim reexaminations in each of the following instances:

For families receiving the Earned Income Disallowance (EID), LHA will conduct an interim reexamination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second 12 month exclusion period (50 percent phase-in period).

If the family has reported zero income, LHA will conduct an interim reexamination every 4 months as long as the family continues to report that they have no income.

If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income); LHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, LHA will conduct an interim reexamination.

LHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

LHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 960.257(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)].

Required Reporting

HUD regulations give LHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

LHA Policy

Families are required to report all increases in earned income, including new employment, within 10 days of the date the change takes effect.

LHA will only conduct interim reexaminations for families that qualify for the earned income disallowance (EID), and only when the EID family's rent will change as a result of the increase. In all other cases, LHA will note the information in the tenant file, but will not conduct an interim reexamination.

Families are not required to report any other changes in income or expenses.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 960.257(b)]. LHA must process the request if the family reports a change that will result in a reduced family income [PH Occ. GB, p. 159].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

LHA Policy

If a family reports a change that it was not required to report and that would result in an increase in the tenant rent, LHA will note the information in the tenant file, but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and that would result in a decrease in the tenant rent, LHA will conduct an interim reexamination. See Section 9III.D. for effective dates.

Families may report changes in income or expenses at any time.

9-III.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

LHA Policy

The family may notify LHA of changes either orally or in writing. If the family provides oral notice, LHA may also require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if LHA determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, LHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 7 days of receiving a request from LHA. This time frame may be extended for good cause with PHA approval. LHA will accept required documentation by mail, by fax, or in person.

Effective Dates

LHA must make the interim reexamination within a reasonable time after the family request [24 CFR 960.257(b)].

LHA Policy

If the family share of the rent is to *increase*:

The increase generally will be effective on the first of the month following 30 days' notice to the family.

If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If the family share of the rent is to *decrease*:

A family may report a decrease in income and other changes which would reduce the amount of rent, such as an increase in allowances or deductions, and LHA will process a family's request to have a family's rent re-evaluated. Reports of such changes must be made to LHA no later than the last day of each month in order for the change in rent to be effective on the first of the following month. LHA may delay the effective date of a participant request due to necessary documentation not being provided in a prompt manner. In cases where the change cannot be verified until after the date the change would become effective, the change will be made retroactively.

PART IV: RECALCULATING TENANT RENT

9-IV.A. OVERVIEW

For those families paying income-based rent, LHA must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes [24 CFR 966.4, 960.257]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

9-IV.B. CHANGES IN UTILITY ALLOWANCES [24 CFR 965.507, 24 CFR 966.4]

The tenant rent calculations must reflect any changes in LHA's utility allowance schedule [24 CFR 960.253(c)(3)].

Chapter 16 discusses how utility allowance schedules are established.

LHA Policy

Unless LHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

9-IV.C. NOTIFICATION OF NEW TENANT RENT

The public housing lease requires LHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective [24 CFR 966.4(b)(1)(ii)].

When LHA re-determines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of LHA's schedule of Utility Allowances for families in LHA's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, LHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of LHA determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under LHA's grievance procedure [24 CFR 966.4(c)(4)].

LHA Policy

The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent.

9-IV.D. DISCREPANCIES

During an annual or interim reexamination, LHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, LHA may discover errors made by LHA. When errors resulting in the overpayment or underpayment of rent are discovered, corrections will be made in accordance with the policies in Chapter 15.

Chapter 10 PETS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

INTRODUCTION

This chapter explains the LHA's policies on the keeping of pets and any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of LHA to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the PHA.

The chapter is organized as follows:

Part I: Assistance Animals. This part explains the difference between assistance animals and pets and contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

PART I: ASSISTANCE ANIMALS

[Section 504; Fair Housing Act (42 U.S.C.); 24 CFR 5.303; 24 CFR 960.705]

10-I.A. OVERVIEW

This part discusses situations under which permission for an assistance animal may be denied, and also establishes standards for the care of assistance animals.

Assistance animals are animals that assist, support, or provide service to a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as “service animals,” “assistive animals,” “support animals,” or “therapy animals” – perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures
- Providing emotional support to persons with disabilities who have a disability-related need for such support

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to the LHA's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705].

10-I.B. APPROVAL OF ASSISTANCE ANIMALS

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal [PH Occ. GB, p. 179].

LHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability [PH Occ. GB, p. 178].

LHA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occ. GB, p. 179]:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

PHAs have the authority to regulate assistance animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

PHA Policy

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and LHA approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

10-1.C. CARE AND HANDLING

HUD regulations do not affect any authority LHA may have to regulate assistance animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

LHA Policy

Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident’s care or handling of an assistance animal violates these policies, LHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If LHA determines that no such accommodation can be made, LHA may withdraw the approval of a particular assistance animal.

PART II: PET POLICIES FOR ALL DEVELOPMENTS

[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

10-II.A. OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

10-II.B. MANAGEMENT APPROVAL OF PETS

Registration of Pets

LHA may require registration of the pet with LHA [24 CFR 960.707(b) 5)].

LHA Policy

Pets must be registered with LHA before they are brought onto the premises.

Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date.

Pets will not be approved to reside in a unit until completion of the registration requirements.

Refusal to Register Pets

LHA Policy

LHA will refuse to register a pet if:

- The pet is not *a common household pet* as defined in Section 10-II.C. below
- Keeping the pet would violate any pet restrictions listed in this policy
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually
- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order
- LHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If LHA refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of the LHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the LHA's grievance procedures.

Pet Agreement

LHA Policy

Residents who have been approved to have a pet must enter into a pet agreement with LHA or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that he or she has received a copy of LHA's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet agreement that he or she understands that noncompliance with LHA's pet policy and applicable house rules may result in the withdrawal of LHA approval of the pet or termination of tenancy. An additional deposit will be required (Pet Deposit) in the amount of \$300.00.

10-ILC. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]

PHAs may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit (1 pet per household)
- Prohibitions on types of animals that LHA classifies as dangerous, provided that such classifications are consistent with applicable state and local law (No snakes, pit bulls, etc...)
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered PHA's may not require pet owners to have any pet's vocal cords removed.

Definition of "Common Household Pet"

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize PHAs to define the term [24 CFR 5.306(2)].

LHA Policy

Common household pet means a domesticated animal, such as a dog, cat, bird, hamsters, turtles or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are not considered common household pets:

- Reptiles
- Rodents
- Insects
- Arachnids
- Wild animals or feral animals
- Pot-bellied pigs
- Animals used for commercial breeding

Pet Restrictions

LHA Policy

The following animals are not permitted:

- Any animal whose adult weight will exceed 30 pounds Dogs of the Pit Bull, Rottweiler, Chow, Doberman Pincher or Boxer breeds Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations
- Any animal not permitted under state or local law or code

Number of Pets

LHA Policy

Residents may own a maximum of 2 pets, only 1 of which may be a dog.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.

Other Requirements

LHA Policy

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

10-II.D. PET RULES

Pet owners must maintain pets responsibly, in accordance with LHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

Pet Area Restrictions

LHA Policy

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Designated Pet/No-Pet Areas [24 CFR 5.318(g), PH Occ. GB, p. 182]

PHAs may designate buildings, floors of buildings, or sections of buildings as no-pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of building, or sections of building for residency by pet-owning tenants.

PHAs may direct initial tenant moves as may be necessary to establish pet and no-pet areas. LHA may not refuse to admit, or delay admission of, an applicant on the grounds that the applicant's admission would violate a pet or no-pet area. LHA may adjust the pet and no-pet areas or may direct such additional moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants.

PHAs may not designate an entire development as a no-pet area, since regulations permit residents to own pets.

LHA Policy

With the exception of common areas as described in the previous policy, LHA has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, LHA has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

Cleanliness

LHA Policy The pet owner shall be responsible for the removal of waste from the property by placing it in a sealed plastic bag and disposing of it in a safe and sanitary manner in a trash can or dumpster. The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times. Litter box requirements:

- Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner. Litter shall not be disposed of by being flushed through a toilet.
- Litter boxes shall be kept inside the resident's dwelling unit.

Alterations to Unit

LHA Policy

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

Noise

LHA Policy

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities/behaviors.

Pet Care

LHA Policy

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage LHA property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

Responsible Parties

LHA Policy

The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify LHA and sign a statement that they agree to abide by all of the pet rules.

Pets Temporarily on the Premises

LHA Policy

Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by the PHA.

Pet Rule Violations

LHA Policy

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated.

The notice will also state:

That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation

That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting

That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

Notice for Pet Removal

LHA Policy

If the pet owner and LHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by LHA, LHA may serve notice to remove the pet.

The notice will contain:

- A brief statement of the factual basis for LHA's determination of the pet rule that has been violated
- The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

Pet Removal

LHA Policy

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if LHA after reasonable efforts cannot contact the responsible party, LHA may contact the appropriate state or local agency and request the removal of the pet.

Termination of Tenancy

LHA Policy

LHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

Emergencies

LHA Policy

LHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals. If it is necessary for LHA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner. If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises. Any charges incurred by LHA due to the removal will be the responsibility of the pet owner.

PART III: PET DEPOSITS AND FEES IN LHA DEVELOPMENTS

10-III.A. OVERVIEW

This part describes LHA's policies for pet deposits and fees for those who reside in LHA developments.

10-III.B. PET DEPOSITS

LHA may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)].

A PHA that requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. LHA must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

Payment of Deposit

LHA Policy

Pet owners are required to pay a pet deposit of \$300 in addition to any other required deposits. The deposit must be paid in full before the pet is brought on the premises. The pet deposit is not part of rent payable by the resident.

Refund of Deposit

LHA Policy

LHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit. The resident will be billed for any amount that exceeds the pet deposit. LHA will provide the resident with a written list of any charges against the pet deposit within 31 days after the termination of the tenancy and delivery of possession of the unit to LHA. If the resident disagrees with the amount charged to the pet deposit, LHA will provide a meeting to discuss the charges.

10-III.C. OTHER CHARGES Pet-Related Damages During Occupancy

LHA Policy All reasonable expenses incurred by LHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit Fumigation of the dwelling unit Repairs to common areas of the project
- The expense of flea elimination shall also be the responsibility of the resident. If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges.
- Pet deposits will not be applied to the costs of pet-related damages during occupancy.
- Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

The regulations do not address LHA's ability to impose charges for house pet rule violations. However, charges for violation of LHA pet rules may be treated like charges for other violations of the lease and LHA tenancy rules.

LHA Policy

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy. Such charges will be due and payable 14 calendar days after billing. Charges for pet waste removal are not part of rent payable by the resident.

Chapter 11 COMMUNITY SERVICE

INTRODUCTION

This chapter explains HUD regulations requiring PHAs to implement a community service program for all nonexempt adults living in public housing as described in HUD PIH Notice 2015-12.

This chapter describes HUD regulations and LHA policies related to these topics in two parts:

Part I: Community Service Requirements. This part describes who is subject to the community service requirement, which is exempt, and HUD's definition of economic self-sufficiency.

Part II: LHA Implementation of Community Service. This part provides LHA policy regarding LHA implementation and program design.

PART I: COMMUNITY SERVICE REQUIREMENT

11-I.A. OVERVIEW

HUD regulations pertaining to the community service requirement are contained in 24 CFR 960 Subpart F (960.600 through 960.609). PHAs and residents must comply with the community service requirement, effective with LHA fiscal years that commenced on or after January 1, 2000. Per 903.7(l)(1)(iii), the LHA Plan must contain a statement of how LHA will comply with the community service requirement, including any cooperative agreement that LHA has entered into or plans to enter into.

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities [24 CFR 960.601(b)].

In administering community service requirements, LHA must comply with all nondiscrimination and equal opportunity requirements [24 CFR 960.605(c) (5)].

11-I.B. REQUIREMENTS

Each adult resident of the PHA, who is not exempt, must [24 CFR 960.603(a)]:

Contribute 8 hours per month of community service; or Participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or Perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

LHA Policy

An individual may not skip a month and then double up the following month, unless special circumstances warrant it. LHA will make the determination of whether to permit a deviation from the schedule.

Individuals who have special circumstances which they believe will prevent them from completing the required community service hours for a given month, must notify LHA in writing within 5 business days of the circumstances becoming known. LHA will review the request and notify the individual, in writing, of its determination within 10 business days. LHA may require those individuals to provide documentation to support their claim. Even though HUD minimum requirement is to complete at least 8 hours of community service per month, LHA will promote at least 20 hours of community service per month.

Definitions

Exempt Individual [24 CFR 960.601(b), Notice PIH 2009-48]

An *exempt individual* is an adult who:

- Is age 62 years or older
- Is blind or disabled (as defined under section 216[i][I] or 1614 of the Social Security Act), and who certifies that because of this disability s/he is unable to comply with the service provisions
- Is a primary caretaker of such an individual
- Is engaged in work activities LHA Policy LHA will consider 30 hours per week as the minimum number of hours needed to qualify for a work activity exemption.
- Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which LHA is located, including a state-administered welfare-to-work program; or
- Is a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which LHA is located, including a state-administered welfare-to work program, and has not been found by the state or other administering entity to be in noncompliance with such program.

Community Service [24 CFR 960.601(b), Notice PIH 2009-48]

Community service is the performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

Eligible community service activities include, but are not limited to, work at:

- Local public or nonprofit institutions such as schools, head start programs, before or after school programs, child care centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing)
- Nonprofit organizations serving LHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance League (PAL), organized children's recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs, beautification programs
- Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels
- Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts
- LHA housing to improve grounds or provide gardens (so long as such work does not alter the LHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board
- Care for the children of other residents so parent may volunteer

PHAs may form their own policy in regards to accepting community services at profit-motivated entities, acceptance of volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work.

LHA Policy

LHA will accept community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work as eligible community service activities.

Economic Self-Sufficiency Program [24 CFR 5.603(b), Notice PIH 2009-48]

For purposes of satisfying the community service requirement, an *economic self-sufficiency program* is defined by HUD as any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

Eligible self-sufficiency activities include, but are not limited to:

- Job readiness or job training
- Training programs through local one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor), or other training providers
- Employment counseling, work placement, or basic skills training
- Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes
- Apprenticeships (formal or informal)
- English proficiency or English as a second language classes
- Budgeting and credit counseling
- Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF)
- Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)

Work Activities [42 U.S.C. 607(d)]

As it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance

- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program

Notification Requirements [24 CFR 960.605(c)(2), Notice PIH 2009-48]

LHA must give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for LHA verification of exempt status. LHA must also notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt. In addition, the family must sign a certification, Attachment A, of Notice PIH 2009-48, that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement will result in nonrenewal of their lease.

LHA Policy

LHA will provide the family with a copy of the Community Service Policy found in Exhibit 11-1 of this chapter, at lease-up, annual review, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request.

On an annual basis, at the time of annual review, LHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt. If the family includes nonexempt individuals the notice will include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform and the number of hours contributed. The form will also have a place for a signature by an appropriate official, who will certify to the activities and hours completed.

11-I.C. DETERMINATION OF EXEMPTION STATUS AND COMPLIANCE [24 CFR 960.605(c) (3)]

LHA must review and verify family compliance with service requirements annually at least thirty days before the annual reexamination date. The policy for documentation and verification of compliance with service requirements may be found at Section 11-I.D., Documentation and Verification.

LHA Policy

Where the lease term does not coincide with the effective date of the annual reexamination, the LHA will change the effective date of the annual reexamination to coincide with the lease term. In making this change, LHA will ensure that the annual reexamination is conducted within 12 months of the last annual reexamination.

Annual Determination

Determination of Exemption Status

An exempt individual is excused from the community service requirement [24 CFR 960.603(a)].

LHA Policy

At least 60 days prior to lease renewal, LHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or LHA has reason to believe that an individual's exemption status has changed. For individuals who are exempt because they are 62 years of age and older, verification of exemption status will be done only at the initial examination.

Upon completion of the verification process, LHA will notify the family of its determination in accordance with the policy in Section 11-I.B., Notification Requirements.

Determination of Compliance

LHA must review resident family compliance with service requirements annually at least 30 days before the end of the twelve month lease term [24 CFR 960.605(c)(3)]. As part of this review, LHA must verify that any family member that is not exempt from the community service requirement has met his or her service obligation.

LHA Policy

Approximately 60 days prior to the end of the lease term, LHA will provide written notice requiring the family to submit documentation that all subject family members have complied with the service requirement. The family will have 10 business days to submit LHA required documentation form(s).

If the family fails to submit the required documentation within the required timeframe, or LHA approved extension, the subject family members will be considered noncompliant with community service requirements, and notices of noncompliance will be issued pursuant to the policies in Section 11-I.E., Noncompliance.

Change in Status between Annual Determinations

LHA Policy

Exempt to Nonexempt Status

If an exempt individual becomes nonexempt during the twelve month lease term, it is the family's responsibility to report this change to LHA within 10 business days.

Within 10 business days of a family reporting such a change, or LHA determining such a change is necessary, LHA will provide written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

The effective date of the community service requirement will be the first of the month following 30 day notice.

Nonexempt to Exempt Status

If a nonexempt person becomes exempt during the twelve month lease term, it is the family's responsibility to report this change to LHA within 10 business days. Any claim of exemption will be verified by LHA in accordance with the policy at 11-I.D., Documentation and Verification of Exemption Status.

Within 10 business days of a family reporting such a change, or LHA determining such a change is necessary, LHA will provide the family written notice that the family member is no longer subject to the community service requirement, if LHA is able to verify the exemption.

The exemption will be effective immediately.

11-I.D. DOCUMENTATION AND VERIFICATION [24 CFR 960.605(c)(4)]

LHA must retain reasonable documentation of service requirement performance or exemption in participant files.

Documentation and Verification of Exemption Status

LHA Policy

All family members who claim they are exempt from the community service requirement will be required to sign the community service exemption certification form found in Exhibit 11-3. LHA will provide a completed copy to the family and will keep a copy in the tenant file.

LHA will verify that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 7.

LHA makes the final determination whether or not to grant an exemption from the community service requirement. If a resident does not agree with the LHA's determination, s/he can dispute the decision through the LHA's grievance procedures (see Chapter 14).

Documentation and Verification of Compliance

At each regularly scheduled reexamination, each nonexempt family member presents a signed standardized certification form developed by LHA of community service and self-sufficiency activities performed over the last 12 months [Notice PIH 2009-48].

If qualifying community service activities are administered by an organization other than the PHA, a family member who is required to fulfill a service requirement must provide certification to the PHA, signed by the organization, that the family member has performed the qualifying activities [24 CFR 960.607].

LHA Policy

If anyone in the family is subject to the community service requirement, LHA will provide the family with community service documentation forms at admission, at annual reexamination, when a family member becomes subject to the community service requirement during the lease term, or upon request by the family.

Each individual who is subject to the requirement will be required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form will also include places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed.

Families will be required to submit the documentation to the PHA, upon request by the PHA. If the LHA has reasonable cause to believe that the certification provided by the family is false or fraudulent, the LHA has the right to require third-party verification.

11-IE. NONCOMPLIANCE

Initial Noncompliance

The lease specifies that it is renewed automatically for all purposes, unless the family fails to comply with the community service requirement. Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve month lease term, but not for termination of tenancy during the course of the twelve month lease term [24 CFR 960.603(b)].

If the tenant or another family member has violated the community service requirement, LHA may not renew the lease unless the tenant and any other noncompliant family member enter into a written agreement with the PHA. Under this agreement the tenant or noncompliant family member must agree to cure the noncompliance by completing the additional hours of community service or economic self-sufficiency needed to make up the total number of hours required, over the twelve-month term until the next annual reexamination. In addition, all other members of the family who are subject to the service requirement must be currently complying with the service requirement or must no longer be residing in the unit [24 CFR 960.607(c), Notice PIH 2009-48].

Notice of Initial Noncompliance [24 CFR 960.607(b)]

If LHA determines that there is a family member who is required to fulfill a service requirement, but who has failed to comply with this obligation (noncompliant resident), LHA must notify the tenant of this determination.

The notice to the tenant must briefly describe the noncompliance. The notice must state that LHA will not renew the lease at the end of the twelve-month lease term unless the tenant, and any other noncompliant resident, enter into a written agreement with LHA to cure the noncompliance, or the family provides written assurance satisfactory to LHA that the tenant or other noncompliant resident no longer resides in the unit.

The notice must also state that the tenant may request a grievance hearing on the LHA's determination, in accordance with the LHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for the LHA's nonrenewal of the lease because of the LHA's determination.

LHA Policy

The notice of initial noncompliance will be sent at least 45 days prior to the annual reexamination date.

The family will have 10 business days from the date of the notice of noncompliance to enter into a written agreement to cure the noncompliance over the 12 months until the next annual reexamination date, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before LHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

If the family does not request a grievance hearing, or does not take either corrective action required by the notice of noncompliance within the required 10 business day timeframe, LHA will terminate tenancy in accordance with the policies in Section 13IV.D.

If, after the 12 month cure period, the family member is still not compliant, LHA must terminate tenancy of the entire family, according to the LHA's lease, unless the family provides documentation that the noncompliant resident no longer resides in the unit.

LHA Policy

Notices of continued noncompliance will be sent at least 30 days prior to the annual reexamination date and will also serve as the family's termination notice. The notice will meet the requirements for termination notices described in Section 13-IV.D, Form, Delivery, and Content of the Notice.

The family will have 14 days from the date of the notice of non-compliance to provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has actually vacated the unit before LHA will agree to continued occupancy of the family. Documentation must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

If the family does not request a grievance hearing, or provide such documentation within the required 14 day timeframe, the family's lease and tenancy will automatically terminate at the end of the 30 day notice of noncompliance without further notice.

Enforcement Documentation [Notice PIH 2009-48]

PHAs are required to initiate due process (see 24 CFR 966.53(c)) against households failing to comply with lease requirements including the community service and self-sufficiency requirement.

When initiating due process, LHA must take the following procedural safeguards:

Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction

Right of the tenant to be represented by counsel

Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and presents any affirmative legal or equitable defense which the tenant may have

A decision on merits

PART II: IMPLEMENTATION OF COMMUNITY SERVICE

11-II.A. OVERVIEW

Each LHA must develop a policy for administration of the community service and economic self-sufficiency requirements for public housing. It is in the LHA's best interests to develop a viable, effective community service program, to provide residents the opportunity to engage in the community and to develop competencies.

LHA Implementation of Community Service

LHA may not substitute any community service or self-sufficiency activities performed by residents for work ordinarily performed by LHA employees, or replace a job at any location where residents perform activities to satisfy the service requirement [24 CFR 960.609].

LHA Policy

LHA will notify its insurance company if residents will be performing community service at the PHA. In addition, LHA will ensure that the conditions under which the work is to be performed are not hazardous.

If a disabled resident certifies that s/he is able to perform community service, LHA will ensure that requests for reasonable accommodation are handled in accordance with the policies in Chapter 2.

LHA Program Design

LHA may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions [24 CFR 960.605(b)].

LHA Policy

LHA will attempt to provide the broadest choice possible to residents as they choose community service activities.

The LHA's goal is to design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. LHA will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program.

LHA will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments. To the greatest extent possible, LHA will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations. Any written agreements or partnerships with contractors and/or qualified organizations, including resident organizations, are described in LHA Plan.

LHA will provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

When LHA has a ROSS program, a ROSS Service Coordinator, or an FSS program, LHA will coordinate individual training and service plans (ITSPs) with the community service requirement. Regular meetings with LHA coordinators will satisfy community service activities and LHA coordinators will verify community service hours within individual monthly logs.

EXHIBIT 11-1: COMMUNITY SERVICE AND SELF-SUFFICIENCY POLICY

A. Background

The Quality Housing and Work Responsibility Act of 1998 requires that all nonexempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self-sufficiency and economic independence. This is a requirement of the public housing lease.

B. Definitions

Community Service – community service activities include, but are not limited to, work at:

Local public or nonprofit institutions such as schools, head start programs, before or after school programs, child care centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing)

Nonprofit organizations serving LHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance League (PAL), organized children’s recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs, beautification programs

Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels

Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts LHA housing to improve grounds or provide gardens (so long as such work does not alter the LHA’s insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board

Care for the children of other residents so parent may volunteer

Note: Political activity is excluded.

Self-Sufficiency Activities – self-sufficiency activities include, but are not limited to:

- Job readiness or job training
- Training programs through local one-stop career centers, workforce investment boards (local entities administered through the U.S. Department of Labor), or other training providers
- Employment counseling, work placement, or basic skills training
- Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes
- Apprenticeships (formal or informal)
- English proficiency or English as a second language classes
- Budgeting and credit counseling
- Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF)
- Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling)

Exempt Adult – an adult member of the family who meets any of the following criteria:

- Is 62 years of age or older
- Is blind or a person with disabilities (as defined under section 216[i][1] or 1614 of the Social Security Act), and who certifies that because of this disability he or she is unable to comply with the service provisions, or is the primary caretaker of such an individual
- Is engaged in *work activities*
- Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which LHA is located, including a state-administered welfare-to-work program; or
- Is a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which LHA is located, including a state-administered welfare-to work program, and has not been found by the state or other administering entity to be in noncompliance with such program.

Work Activities – as it relates to an exemption from the community service requirement, *work activities* means:

- Unsubsidized employment
- Subsidized private sector employment

- Subsidized public sector employment
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available
- On-the-job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training (not to exceed 12 months with respect to any individual)
- Job skills training directly related to employment (OST and MST programs)
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate
- Provision of child care services to an individual who is participating in a community service program

C. Requirements of the Program

The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.

At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The housing authority will make the determination of whether to allow or disallow a deviation from the schedule based on a family's written request.

Family obligation:

At lease execution, all adult members (18 or older) of a public housing resident family must:

- Sign a certification (Attachment A) that they have received and read this policy and understand that if they are not exempt, failure to comply with the community service requirement will result in a nonrenewal of their lease; and
- Declare if they are exempt. If exempt, they must complete the Exemption Form (Exhibit 11-3) and provide documentation of the exemption.

Upon written notice from the PHA, nonexempt family members must present complete documentation of activities performed during the applicable lease term. This documentation will include places for signatures of supervisors, instructors, or counselors, certifying to the number of hours contributed.

If a family member is found to be noncompliant at the end of the 12-month annual reexamination, he or she, and the head of household, will be required to sign an agreement with the housing authority to make up the deficient hours over the next twelve (12) month period, or the lease will be terminated.

Change in exempt status:

If, during the twelve (12) month lease period, a nonexempt person becomes exempt, it is his or her responsibility to report this to LHA and provide documentation of exempt status.

If, during the twelve (12) month lease period, an exempt person becomes nonexempt, it is his or her responsibility to report this to the PHA. Upon receipt of this information LHA will provide the person with the appropriate documentation form(s) and a list of agencies in the community that provide volunteer and/or training opportunities.

D. Authority Obligation

To the greatest extent possible and practicable, LHA will:

1. Provide names and contacts at agencies that can provide opportunities for residents, including residents with disabilities, to fulfill their community service obligations.

Provide in-house opportunities for volunteer work or self-sufficiency activities.

2. LHA will provide the family with a copy of this policy, and all applicable exemption verification forms and community service documentation forms, at lease-up, lease renewal, when a family member becomes subject to the community service requirement during the lease term, and at any time upon the family's request.
3. Although exempt family members will be required to submit documentation to support their exemption, LHA will verify the exemption status in accordance with its verification policies. LHA will make the final determination as to whether or not a family member is exempt from the community service requirement. Residents may use the LHA's grievance procedure if they disagree with the LHA's determination.
4. Noncompliance of family member:

- At least thirty (30) days prior to the end of the 12-month annual reexamination date, LHA will begin reviewing the exempt or nonexempt status and compliance of family members; LHA will secure a certification of compliance from nonexempt family members (Attachment B). If, at the end of the initial 12-month annual reexamination under which a family member is subject to the community service requirement, LHA finds the family member to be noncompliant, LHA will not renew the lease unless:
 - The head of household and any other noncompliant resident enter into a written agreement with the PHA, to make up the deficient hours over the next twelve (12) month period; or
 - The family provides written documentation satisfactory to LHA that the noncompliant family member no longer resides in the unit.

If, at the end of the next 12-month annual reexamination term, the family member is still not compliant, a 30-day notice to terminate the lease will be issued and the entire family will have to vacate, unless the family provides written documentation satisfactory to LHA that the noncompliant family member no longer resides in the unit; The family may use the LHA’s grievance procedure to dispute the lease termination.

All adult family members must sign and date below, certifying that they have read and received a copy of this Community Service and Self-Sufficiency Policy.

EXHIBIT 11-2: DEFINITION OF A PERSON WITH A DISABILITY UNDER SOCIAL SECURITY ACTS 216(i) (l) and Section 1416(excerpt) FOR PURPOSES OF EXEMPTION FROM COMMUNITY SERVICE
Social Security Act:

216(i)(1): Except for purposes of sections 202(d), 202(e), 202(f), 223, and 225, the term “disability” means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, or (B) blindness; and the term “blindness” means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of this paragraph as having a central visual acuity of 20/200 or less.

Section 1416 (excerpt): SEC. 1614. [42 U.S.C. 1382c] (a)(1) For purposes of this title, the term “aged, blind, or disabled individual” means an individual who— (A) is 65 years of age or older, is blind (as determined under paragraph (2)), or is disabled (as determined under paragraph (3)), and (B)(i) is a resident of the United States, and is either (I) a citizen or (II) an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act), or (ii) is a child who is a citizen of the United States and, who is living with a parent of the child who is a member of the Armed Forces of the United States assigned to permanent duty ashore outside the United States. (2) An individual shall be considered to be blind for purposes of this title if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for purposes of the first sentence of this subsection as having a central visual acuity of 20/200 or less. An individual shall also be considered to be blind for purposes of this title if he is blind as defined under a State plan approved under title X or XVI as in effect for October 1972 and received aid under such plan (on the basis of blindness) for December 1973, so long as he is continuously blind as so defined. (3)(A) Except as provided in subparagraph (C), an individual shall be considered to be disabled for purposes of this title if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months.

EXHIBIT 11-3: LHA DETERMINATION OF EXEMPTION FOR COMMUNITY SERVICE

Family: _____

Adult family member: _____

This adult family member meets the requirements for being exempted from the LHA’s community service requirement for the following reason:

- 62 years of age or older (*Documentation of age in file*)
- Is a person with disabilities and self-certifies below that he or she is unable to comply with the community service requirement (*Documentation of HUD definition of disability in file*)

Tenant certification: I am a person with disabilities and am unable to comply with the community service requirement.

Signature of Family Member Date

- Is the primary caretaker of such an individual in the above category. (*Documentation in file*)
- Is engaged in work activities (*Verification in file*)
- Is able to meet requirements under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which LHA is located, including a state-administered welfare-to-work program (*Documentation in file*)
- Is a member of a family receiving assistance, benefits, or services under a state program funded under part A of title IV of the Social Security Act, or under any other welfare program of the state in which LHA is located, including a state-administered welfare to-work program, and has not been found by the state or other administering entity to be in noncompliance with such program (*Documentation in file*)

Signature of Family Member

Date

Signature of LHA Official

Date

Chapter 12 TRANSFER POLICY

INTRODUCTION

This chapter explains the LHA’s transfer policy, based on HUD regulations, HUD guidance, and LHA Policy decisions. This chapter describes HUD regulations and LHA policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: LHA Required Transfers. This part describes types of transfers that may be required by the LHA, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, de-concentration, transferring to another development and reexamination.

LHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

LHA must have specific policies in place to deal with acceptable transfer requests.

PART I: EMERGENCY TRANSFERS

12-I.A. OVERVIEW

HUD categorizes certain actions as emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the LHA.

In the case of a genuine emergency, it may be unlikely that LHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate.

Under such circumstances, if an appropriate unit is not immediately available, LHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is reached.

12-I.B. EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, LHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

LHA Policy

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family: Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak; no heat in the building during the winter; no water; toxic contamination; and serious water leaks.

12-I.C. EMERGENCY TRANSFER PROCEDURES

LHA Policy

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, LHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, LHA will transfer the resident to the first available and appropriate unit after the temporary relocation. Emergency transfers are mandatory for the tenant.

12-I.D. COSTS OF EMERGENCY TRANSFER

LHA Policy

LHA will bear the reasonable costs of temporarily accommodating the tenant and of long term transfers, if any, due to emergency conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

LHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading.

To establish typical costs, LHA will collect information from companies in the community that provide these services.

LHA will reimburse the family for eligible out-of-pocket moving expenses up to the LHA's established moving allowance.

PART II: LHA REQUIRED TRANSFERS

12-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to LHA to develop reasonable transfer policies.

LHA may require that a resident transfer to another unit under some circumstances. For example, LHA may require a resident to transfer to make an accessible unit available to a disabled family. LHA may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, a LHA may transfer residents in order to demolish or renovate the unit.

A transfer that is required by LHA is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

12-II.B. TYPES OF LHA REQUIRED TRANSFERS

LHA Policy

The types of transfers that may be required by the LHA, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter. Transfers required by LHA are mandatory for the tenant.

Transfers to Make an Accessible Unit Available

When a family is initially given an accessible unit, but does not require the accessible features, LHA may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

LHA Policy

When a non-accessible unit becomes available, LHA will transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. LHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

Occupancy Standards Transfers

LHA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to LHA Policy[24 CFR 960.257(a)(4)]. On some occasions, LHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

LHA Policy

LHA will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

Overcrowded: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the chart in Section 5-I.B.

Over-housed: the family no longer qualifies for the bedroom size in which they are living based on the LHA's occupancy standards as described in Section 5 I.B.

LHA may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the LHA's occupancy standards, when LHA determines there is a need for the transfer.

LHA may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by LHA that a transfer is necessary and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in Section 5-I.C. will only be required to transfer if it is necessary to comply with the approved exception.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers

These transfers permit LHA to demolish, sell or do major capital or rehabilitation work at a building site [PH Occ. GB, page 148].

LHA Policy

LHA will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. The LHA's relocation plan may or may not require transferring affected families to other available public housing units.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]

A LHA required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, LHA may not take action on the transfer until the conclusion of the grievance process.

12-II.D. COST OF TRANSFER

LHA Policy

LHA will bear the reasonable costs of transfers that LHA requires, except that residents will be required to bear the cost of occupancy standards transfers.

The reasonable costs of transfers include the cost of packing, moving, and unloading.

LHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading.

To establish typical costs, LHA will collect information from companies in the community that provide these services.

LHA will reimburse the family for eligible out-of-pocket moving expenses up to the LHA's established moving allowance.

PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW

HUD provides LHA with discretion to consider transfer requests from tenants. The only requests that LHA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the LHA. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by the LHA.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS

LHA Policy

The types of requests for transfers that LHA will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the LHA's occupancy standards, and transfers to a location closer to employment. No other transfer requests will be considered by the LHA.

LHA will consider the following as high priority transfer requests:

- When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature
- When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the LHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking.
- When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

LHA will consider the following as regular priority transfer requests:

- When a family requests a larger bedroom size unit even though the family does not meet the LHA's definition of overcrowded, as long as the family meets the LHA's occupancy standards for the requested size unit
- When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation and public transportation is not adequate
- Transfers requested by the tenant are considered optional for the tenant.

12-III.C. ELIGIBILITY FOR TRANSFER

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, LHA may establish other standards for considering a transfer request [PH Occ GB, p. 150].

PHA Policy

Except where reasonable accommodation is being requested, LHA will only consider transfer requests from residents that meet the following requirements:

- Have not engaged in criminal activity that threatens the health and safety of residents and staff
- Owe no back rent or other charges, or have a pattern of late payment
- Have no housekeeping lease violations or history of damaging property
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)
- A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the LHA's advantage to make the transfer.

Exceptions may also be made when LHA determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, or stalking and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

12-III.D. SECURITY DEPOSITS

LHA Policy

When a family transfers from one unit to another, LHA will transfer their security deposit to the new unit. The tenant will be billed for any maintenance or others charges due for the "old" unit.

12-III.E. COST OF TRANSFER

LHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2006-13].

LHA Policy

The resident will bear all of the costs of transfer s/he requests. However, LHA will bear the transfer costs when the transfer is done as a reasonable accommodation.

12-III.F. HANDLING OF REQUESTS

LHA Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer. In case of a reasonable accommodation transfer, LHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, LHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

LHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP.

If the family does not meet the "good record" requirements under Section 12-III.C., the manager will address the problem and, until resolved, the request for transfer will be denied.

LHA will respond within ten (10) business days of the submission of the family's request. If LHA denies the request for transfer, the family will be informed of its grievance rights.

PART IV: TRANSFER PROCESSING

12-IV.A. OVERVIEW

Generally, transfers should be placed on a transfer list and handled in the appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience disparate treatment.

12-IV.B. TRANSFER LIST

LHA Policy

LHA will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case by case basis. If the emergency will not be finally resolved by a temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list.

Transfers will be processed in the following order:

- Emergency transfers (hazardous maintenance conditions)
- High-priority transfers (verified medical condition, threat of harm or criminal activity, and reasonable accommodation)
- Transfers to make accessible units available
- Demolition, renovation, etc.
- Occupancy standards
- Other LHA-required transfers
- Transfers for access to employment.

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date. With the approval of the executive director or designee, LHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis. Demolition and renovation transfers will gain the highest priority as necessary to allow LHA to meet the demolition or renovation schedule. Transfers will take precedence over waiting list admissions.

12-IV.C. TRANSFER OFFER POLICY

LHA Policy

Residents will receive one offer of a transfer. When the transfer is required by the LHA, refusal of that offer without good cause will result in lease termination.

12-IV.D. GOOD CAUSE FOR UNIT REFUSAL

LHA Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- The family demonstrates to the LHA's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to the LHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
- The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.
- The unit has lead-based paint and the family includes children under the age of six. LHA will require documentation of good cause for unit refusals.

12-IV.E. DECONCENTRATION

LHA Policy

If subject to de-concentration requirements, LHA will consider its de-concentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the LHA's de-concentration goals. A de-concentration offer will be

considered a “bonus” offer; that is, if a resident refuses a de-concentration offer, the resident will receive one additional transfer offer.

12-IV.F. REEXAMINATION POLICIES FOR TRANSFERS

LHA Policy

The reexamination date will be changed to the first of the month in which the transfer took place.

Chapter 13 LEASE TERMINATIONS

INTRODUCTION

Either party in a lease agreement may terminate the lease under certain circumstances. A public housing lease is different from a private dwelling lease in that the family’s rental assistance is tied to their tenancy. When the family moves from their public housing unit, they lose their rental assistance. Therefore, there are additional safeguards to protect the family’s tenancy in public housing.

Likewise, there are safeguards to protect HUD’s interest in the public housing program, to assure that qualified families are provided decent, safe, and sanitary housing which is in good repair. LHA may terminate the lease because of the family’s failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause. HUD regulations specify some reasons for which a PHA can terminate a family’s lease, and give PHAs authority to determine other reasons.

When determining LHA Policy on terminations, state and local landlord-tenant laws must be considered, since such laws could vary from one location to another. These variances may be either more or less restrictive than federal law or HUD regulation.

This chapter presents the policies that govern both the family’s and LHA’s termination of the lease. It is presented in four parts:

Part I: Termination by Tenant. This part discusses the family’s voluntary termination of the lease and the requirements LHA places upon families who wish to terminate their lease.

Part II: Termination by LHA -Mandatory. This part describes the policies that govern how, and under what circumstances, a mandatory lease termination by LHA occurs. This part also includes nonrenewal of the lease for noncompliance with community service requirements.

Part III: Termination by LHA – Other Authorized Reasons. This part describes LHA’s options for lease termination that are not mandated by HUD regulation but for which HUD authorizes PHAs to terminate. For some of these options HUD requires LHA to establish policies and lease provisions for termination, but termination is not mandatory. For other options LHA has full discretion whether to consider the options as just cause to terminate as long as LHA policies are reasonable, nondiscriminatory, and do not violate state or local landlord-tenant law. This part also discusses the alternatives that LHA may consider in lieu of termination, and the criteria LHA will use when deciding what actions to take.

Part IV: Notification Requirements. This part presents the federal requirements for disclosure of criminal records to the family prior to termination, the HUD requirements and LHA policies regarding the timing and content of written notices for lease termination and eviction, and notification of the post office when eviction is due to criminal activity. This part also discusses record keeping related to lease termination.

PART I: TERMINATION BY TENANT

13-1.A. TENANT CHOOSES TO TERMINATE THE LEASE [24 CFR 966.4(k)(1)(ii) and 24 CFR 966.4(l)(1)]

The family may terminate the lease at any time, for any reason, by following the notification procedures as outlined in the lease. Such notice must be in writing and delivered to the project office or LHA central office or sent by pre-paid first-class mail, properly addressed.

LHA Policy

If a family desires to move and terminate their tenancy with LHA, they must give at least 30 calendar days advance written notice to LHA of their intent to vacate. When a family must give less than 30 days’ notice due to circumstances beyond their control LHA, at its discretion, may waive the 30 day requirement.

The notice of lease termination must be signed by the head of household, spouse, or co-head.

In the event a family desires to cancel their 30 day notice to terminate their tenancy and such cancellation is approved by LHA any new submissions of termination of tenancy must give a new 30 day notice.

PART II: TERMINATION BY LHA – MANDATORY

13-II.A. OVERVIEW

HUD requires LHA to terminate the lease in certain circumstances. In other circumstances HUD requires LHA to establish provisions for lease termination, but it is still a LHA option to determine, on a case-by-case basis, whether termination is warranted. For those tenant actions or failures to act where HUD requires termination, LHA has no such option. In those cases, the family's lease must be terminated. This part describes situations in which HUD requires LHA to terminate the lease.

13-II.B. FAILURE TO PROVIDE CONSENT [24 CFR 960.259(a) and (b)]

LHA must terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination. See Chapter 7 for a complete discussion of consent requirements.

13-II.C. FAILURE TO DOCUMENT CITIZENSHIP [24 CFR 5.514(c) and (d) and 24 CFR 960.259(a)]

LHA must terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or (3) a family member, as determined by LHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (4), such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

13-II.D. FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS [24 CFR 5.218(c), 24 CFR 960.259(a)(3), Notice PIH2012-10]

LHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and LHA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, LHA may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date LHA determined the family to be noncompliant.

LHA Policy

LHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

See Chapter 7 for a complete discussion of documentation and certification requirements.

13-II.E. FAILURE TO ACCEPT LHA'S OFFER OF A LEASE REVISION [24 CFR 966.4(l)(2)(ii)(E)]

LHA must terminate the lease if the family fails to accept LHA's offer of a lease revision to an existing lease, provided LHA has done the following:

- The revision is on a form adopted by LHA in accordance with 24 CFR 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments.
- LHA has made written notice of the offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect.
- LHA has specified in the offer a reasonable time limit within that period for acceptance by the family.

See Chapter 8 for information pertaining to LHA policies for offering lease revisions.

13-II.F. METHAMPHETAMINE CONVICTION [24 CFR 966.4(l)(5)(i)(A)]

LHA must immediately terminate the lease if LHA determines that any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

See Part 13-III.B. below for the HUD definition of *premises*.

13-III.G. NONCOMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)(2)(ii) and (c)]

LHA is prohibited from renewing the lease at the end of the 12 month lease term when the family fails to comply with the community service requirements as described in Chapter 11.

13-III.H. DEATH OF A SOLE FAMILY MEMBER [Notice PIH2012-10]

LHA must immediately terminate program assistance for deceased single member households.

PART III: TERMINATION BY LHA – OTHER AUTHORIZED REASONS

13-III.A. OVERVIEW

Besides requiring PHAs to terminate the lease under the circumstances described in Part II, HUD requires LHA to establish provisions in the lease for termination pertaining to certain criminal activity, alcohol abuse, and certain household obligations stated in the regulations. While these provisions for lease termination must be in the lease agreement, HUD does not require PHAs to terminate for such violations in all cases. LHA has the discretion to consider circumstances surrounding the violation or, in applicable situations, whether the offending household member has entered or completed rehabilitation, and LHA may, as an alternative to termination, require the exclusion of the culpable household member. LHA must make policy decisions concerning these options.

In addition, HUD authorizes PHAs to terminate the lease for other grounds, but for only those grounds that constitute serious or repeated violations of material terms of the lease or that are for other good cause. LHA must develop policies pertaining to what constitutes serious or repeated lease violations, and other good cause, based upon the content of LHA lease. In the development of the terms of the lease, LHA must consider the limitations imposed by state and local landlord-tenant law, as well as HUD regulations and federal statutes. Because of variations in state and local landlord-tenant law, and because HUD affords PHAs wide discretion in some areas, a broad range of policies could be acceptable. LHA, with some restrictions, also has the option to terminate the tenancies of families who are over income. LHA may consider alternatives to termination and must establish policies describing the criteria LHA will use when deciding what action to take, the types of evidence that will be acceptable, and the steps LHA must take when terminating a family's lease.

13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(l)(5)]

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require PHAs to terminate for such violations in all cases, therefore LHA policies are needed.

***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

- *Covered person* means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.
- *Dating violence* is defined in section 16-VII.B.
- *Domestic violence* is defined in section 16-VII.B.
- *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].
- *Drug-related criminal activity* means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.
- *Guest* means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.
- *Household* means the family and LHA -approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD50058, Instruction Booklet, p. 65].
- *Immediate family member* is defined in section 16-VII.B.
- *Other person under the tenant's control* means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises 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*.

- *Premises* mean the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.
- *Stalking* is defined in section 16-VII.B.
- *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.

Drug Crime On or Off the Premises [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that drug-related criminal activity engaged in on or off the premises by the tenant, member of the tenant's household or guest, or any such activity engaged in on the premises by any other person under the tenant's control is grounds for termination.

LHA Policy

LHA will terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

LHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the drug-related criminal activity.

In making its decision to terminate the lease, LHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, LHA may, on a case-by case basis, choose not to terminate the lease.

Illegal Use of a Drug [24 CFR 966.4(l)(5)(i)(B)]

The lease must provide that a LHA may evict a family when LHA determines that a household member is illegally using a drug or 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.

LHA Policy

LHA will terminate the lease when LHA determines that a household member is illegally using a drug or LHA 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.

A pattern of illegal drug use means more than one incident of any use of illegal drugs during the previous six months.

LHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs.

In making its decision to terminate the lease, LHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, LHA may, on a case-by case basis, choose not to terminate the lease.

Threat to Other Residents [24 CFR 966.4(l)(5)(ii)(A)]

The lease must provide that any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including LHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises are grounds for termination of tenancy.

LHA Policy

LHA will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including PHA management staff residing on the premises) or by persons residing in the immediate vicinity of the premises.

Immediate vicinity means within a three-block radius of the premises.

LHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of covered persons related to the criminal activity.

In making its decision to terminate the lease, LHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, LHA may, on a case-by case basis, choose not to terminate the lease.

Alcohol Abuse [24 CFR 966.4(l)(5)(vi)(A)]

PHAs must establish standards that allow termination of tenancy if LHA determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

LHA Policy

LHA will terminate the lease if LHA determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous six months.

LHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol.

In making its decision to terminate the lease, LHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, LHA may, on a case-by case basis, choose not to terminate the lease.

Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation [24 CFR 966.4(1)(5)(vi)(B)]

PHAs must establish standards that allow termination of tenancy if LHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

LHA Policy

LHA will terminate the lease if LHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

LHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, LHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, LHA may, on a case-by case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(1)(2)(i) and 24 CFR 966.4(f)]

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [24 CFR 5.2005(c)(1)].

LHA Policy

LHA will terminate the lease for the following violations of tenant obligations under the lease:

Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);

Repeated late payment of rent or other charges. Four late payments within a 12 month period shall constitute a repeated late payment.

Failure to fulfill the following household obligations:

- Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
- Not to provide accommodations for boarders or lodgers
- To use the dwelling unit solely as a private dwelling for the tenant and the tenant’s household as identified in the lease, and not to use or permit its use for any other purpose
- To abide by necessary and reasonable regulations promulgated by LHA for the benefit and well-being of the housing project and the tenants this shall be posted in the project office and incorporated by reference in the lease
- To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety
- To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant’s exclusive use in a clean and safe condition

- To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators
- To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project
- To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest
- To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

In making its decision to terminate the lease, LHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, LHA may, on a case-by case basis, choose not to terminate the lease.

13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]

HUD authorizes PHAs to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as "other good cause."

Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]

HUD regulations state that LHA may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit LHA to only those examples. The Violence against Women Act of 2005 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, or stalking as "other good cause" for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1)].

LHA Policy

LHA will terminate the lease for the following reasons:

- *Fugitive Felon or Parole Violator.* If a tenant 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.
- *Persons subject to sex offender registration requirement.* If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.
- Discovery after admission of facts that made the tenant ineligible
- Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income
- Failure to furnish such information and certifications regarding family composition and income as may be necessary for LHA to make determinations with respect to rent, eligibility, and the appropriateness of dwelling size
- Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by LHA that such a dwelling unit is available
- Failure to permit access to the unit by LHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists
- Failure to promptly inform LHA of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 7 days of the event.
- Failure to abide by the provisions of LHA pet policy
- If the family has breached the terms of a repayment agreement entered into with LHA
- If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
- If a household member has engaged in or threatened violent or abusive behavior toward PHA personnel.

- *Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
- *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate the lease, LHA will consider alternatives as described in Section 13-III.D and other factors described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, LHA may, on a case-by case basis, choose not to terminate the lease.

Family Absence from Unit [24 CFR 982.551(i)]

It is reasonable that the family may be absent from the public housing unit for brief periods. However, LHA needs a policy on how long the family may be absent from the unit. Absence in this context means that no member of the family is residing in the unit.

LHA Policy

The family must supply any information or certification requested by LHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with LHA for this purpose.

The family must promptly notify LHA when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 7 calendar days. In such a case promptly means within the first day of the start of the extended absence.

Prior written approval from LHA must be obtained for any anticipated absence in excess of 30 days

If a family is absent from the public housing unit for more than 30 consecutive days, and the family has not received written approval from LHA for such absence and the family does not adequately verify that they are living in the unit, LHA will terminate the lease for other good cause.

Abandonment. If the family appears to have vacated the unit without giving proper notice, LHA will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, LHA will secure the unit immediately to prevent vandalism and other criminal activity.

Over-Income Families [24 CFR 960.261 and FR 11/26/04, p. 68786]

Subject to certain restrictions, HUD authorizes PHAs to evict or terminate the tenancies of families because they are over income. Unless required to do so by local law, LHA may not evict or terminate the tenancy of a family solely because the family is over income if: (1) the family has a valid contract of participation in the Family Self-Sufficiency (FSS) program, or (2) the family is currently receiving the earned income disallowance. This rule does not require PHAs to evict over-income residents, but rather gives PHAs the discretion to do so thereby making units available for applicants who are income-eligible.

LHA Policy

LHA will not evict or terminate the tenancies of families solely because they are over income.

13-III.D. ALTERNATIVES TO TERMINATION OF TENANCY

Exclusion of Culpable Household Member [24 CFR 966.4(l)(5)(vii)(C)]

As an alternative to termination of the lease for criminal activity or alcohol abuse HUD provides that LHA may consider exclusion of the culpable household member. Such an alternative can be used, by LHA Policy, for any other reason where such a solution appears viable.

LHA Policy

LHA will consider requiring the tenant 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. As a condition of the family’s continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former household member’s current address upon PHA request.

Repayment of Family Debts

LHA Policy

If a family owes amounts to LHA, as a condition of continued occupancy, LHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from LHA of the amount owed. See Chapter 16 for policies on repayment agreements.

13-III.E. CRITERIA FOR DECIDING TO TERMINATE TENANCY

A PHA that has grounds to terminate a tenancy is not required to do so, except as explained in Part II of this chapter, and may consider all of the circumstances relevant to a particular case before making a decision.

Evidence [24 CFR 982.553(c)]

For criminal activity, HUD permits LHA to terminate the lease if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction.

LHA Policy

LHA will use the concept of the preponderance of the evidence as the standard for making all termination decisions. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that LHA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease. Such relevant circumstances can also be considered when terminating the lease for any other reason.

LHA Policy

LHA will consider the following factors before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

- The seriousness of the offending action, especially with respect to how it would affect other residents
- The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, or stalking
- The effects that the eviction will have on other family members who were not involved in the action or failure to act
- The effect on the community of the termination, or of LHA's failure to terminate the tenancy
- The effect of LHA's decision on the integrity of the public housing program
- The demand for housing by eligible families who will adhere to lease responsibilities
- The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action
- The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future
- In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

Consideration of Rehabilitation [24 CFR 966.4(l)(5)(vii)(D)]

HUD authorizes PHAs to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

LHA Policy

In determining whether to terminate the lease for illegal drug use or a pattern of illegal drug use, or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, LHA will 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 LHA will require the tenant 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.

Reasonable Accommodation [24 CFR 966.7]

If the family includes a person with disabilities, LHA's decision to terminate the family's lease is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

LHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of lease, LHA will determine whether the behavior is related to the disability. If so, upon the family's request, LHA will determine whether alternative measures are appropriate as a reasonable accommodation. LHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed lease termination. See Chapter 2 for a discussion of reasonable accommodation.

Nondiscrimination Limitation [24 CFR 966.4(l)(5)(vii)(F)]

LHA's eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

This section addresses the protections against termination of tenancy that the Violence against Women Act of 2005 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, or stalking. For general VAWA requirements and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

VAWA Protections against Termination [24 CFR 5.2005(c)]

VAWA provides that "criminal activity directly related to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of, occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant is the victim" [24 CFR 5.2005(c)(2)].

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1)].

Limits on VAWA Protections [24 CFR 5.2005(d) and (e)]

While VAWA prohibits a PHA from using domestic violence, dating violence, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit a LHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, or stalking providing that LHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit a LHA's authority to terminate the tenancy of any public housing tenant if LHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated.

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

LHA Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, LHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenants other than the victim of domestic violence, dating violence, or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time

- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest LHA’s determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Documentation of Abuse [24 CFR 5.2007]

LHA Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, or stalking claims protection under VAWA, LHA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP.

LHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases LHA will document the waiver in the individual’s file.

Terminating or Evicting a Perpetrator of Domestic Violence

Although VAWA provides protection from termination for victims of domestic violence, it does not provide such protection for perpetrators. In fact, VAWA gives LHA the explicit authority to bifurcate a lease, or remove a household member from a lease, “in order to evict, remove, terminate occupancy rights, or terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is a tenant or lawful occupant” [24 CFR 5.2009(a)]. Moreover, HUD regulations impose on LHA the obligation to consider lease bifurcation in any circumstances involving domestic violence, dating violence, or stalking [24 CFR 966.4(e)(9)].

Specific lease language affirming LHA’s authority to bifurcate a lease is not necessary, and the authority supersedes any local, state, or federal law to the contrary. However, if LHA chooses to exercise its authority to bifurcate a lease, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law for eviction, lease termination, or termination of assistance. This means that LHA must follow the same rules when terminating or evicting an individual as it would when terminating or evicting an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

LHA Policy

LHA will bifurcate a family’s lease and terminate the tenancy of a family member if LHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members.

In making its decision, LHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to LHA by the victim in accordance with this section and section 16-VII.D. LHA will also consider the factors in section 13.III.E. Upon such consideration, LHA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If LHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If necessary, LHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, LHA may offer the remaining family members another public housing unit, if available; it may help them relocate to a confidential location; or it may refer them to a victim service provider or other agency with shelter facilities.

PART IV: NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

13-IV.A. OVERVIEW

HUD regulations specify the requirements for the notice that must be provided prior to lease termination. This part discusses those requirements and the specific requirements that precede and follow termination for certain criminal activities which are addressed in the regulations. This part also discusses specific requirements pertaining to the actual eviction of families and record keeping.

13-IV.B. CONDUCTING CRIMINAL RECORDS CHECKS [24 CFR 5.903(e)(ii) and 24 CFR 960.259]

HUD authorizes PHAs to conduct criminal records checks on public housing residents for lease enforcement and eviction. LHA Policy determines when LHA will conduct such checks.

LHA Policy

LHA will conduct criminal records checks when it has come to the attention of LHA, either from local law enforcement or by other means, which an individual has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents. Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis. LHA may not pass along to the tenant the costs of a criminal records check.

13-IV.C. DISCLOSURE OF CRIMINAL RECORDS TO FAMILY [24 CFR 5.903(f), 24 CFR 5.905(d) and 24 CFR 966.4(l) (5) (iv)]

In conducting criminal records checks, if LHA uses the authority of 24 CFR 5.903 and 5.905 to obtain such information, certain protections must be afforded the tenant before any adverse action is taken. In such cases if LHA obtains criminal records information from a state or local agency showing that a household member has been convicted of a crime, or is subject to a sex offender registration requirement, relevant to lease enforcement or eviction, LHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

LHA Policy

In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, LHA will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

The family will be given 10 business days from the date of LHA notice, to dispute the accuracy and relevance of the information. If the family does not contact LHA to dispute the information within that 10 business day period, LHA will proceed with the termination action.

Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l) (3)]

Form, Delivery, and Content of the Notice

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine PHA documents directly relevant to the termination or eviction. If LHA does not make the documents available for examination upon request by the tenant, LHA may not proceed with the eviction [24 CFR 966.4(m)].

When LHA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with LHA's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When LHA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by LHA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of LHA, or for a drug-related criminal activity on or off the premises.

LHA Policy

LHA will deliver notices of lease termination to the tenant by first-class mail...

All notices of lease termination will include information about the protection against termination provided by the Violence against Women Act of 2005 (VAWA) for victims of domestic violence, dating violence, or stalking (see section 16-VII.C). Any family member who claims that the cause for termination involves (a) criminal acts of physical violence

against family members or others or (b) incidents of domestic violence, dating violence, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13-III.F and 16-VII.D.

Timing of the Notice [24 CFR 966.4(l)(3)(i)]

LHA must give written notice of lease termination of:

- 14 calendar days plus 3 days for mailing in the case of failure to pay rent
- A reasonable period of time considering the seriousness of the situation (but not to exceed 30 calendar days)
- If the health or safety of other residents, PHA employees, or persons residing in the immediate vicinity of the premises is threatened
- If any member of the household has engaged in any drug-related criminal activity or violent criminal activity will be 7 days plus 3 days for mailing
- If any member of the household has been convicted of a felony will be 7 days plus 3 days mailing
- 30 calendar days plus 3 days for mailing in any other case, except that if a state or local law allows a shorter notice period, such shorter period shall apply

LHA Policy

LHA will give written notice of 14 calendar days plus 3 days for mailing for nonpayment of rent. For all other lease terminations LHA will give 30 days' plus 3 days for mailing, written notice or, if state or local law allows less than 30 days, such shorter notice will be given. The State of Florida allows for a 3 days' notice of termination of the lease agreement.

The Notice to vacate that may be required under state or local law may be combined with or run concurrently with the notice of lease termination.

Notice of Nonrenewal Due to Community Service Noncompliance [24 CFR 966.4(l)(2)(ii)(D), 24 CFR 960.603(b) and 24 CFR 960.607(b)]

When LHA finds that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination. Notices of noncompliance will be issued in accordance with the requirements and policies in Section 11-I.E.

LHA Policy

If after receiving a notice of initial noncompliance the family does not request a grievance hearing, or does not take either corrective action required by the notice within the required timeframe, a termination notice will be issued in accordance with the policies above.

If a family agreed to cure initial noncompliance by signing an agreement, and is still in noncompliance after being provided the 12-month opportunity to cure, the family will be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in Section 11-I.E. and will also serve as the notice of termination of tenancy.

Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]

In cases where termination of tenancy is based on citizenship status, HUD requires the notice of termination to contain additional information. In addition to advising the family of the reasons their assistance is being terminated, the notice must also advise the family of any of the following that apply: the family's eligibility for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, the family's right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and the family's right to request an informal hearing with LHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Please see Chapter 14 for LHA's informal hearing procedures.

13-IV.E. EVICTION [24 CFR 966.4(l) (4) and 966.4(m)]

Eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. LHA may only evict the tenant from the unit by instituting a court action, unless the law of the jurisdiction permits eviction by administrative action, after a due process administrative hearing, and without a court determination of the rights and liabilities of the parties.

LHA Policy

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, LHA will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, LHA will seek the assistance of the court to remove the family from the premises as per state and local law. LHA may not proceed with an eviction action if LHA has not made available the documents to be used in the case against the family, and has not afforded the family the opportunity to examine and copy such documents in accordance with the provisions of 24 CFR 966.4(l)(3) and (m).

13-IV.F. NOTIFICATION TO POST OFFICE [24CFR 966.4(l) (5) (iii)(B)]

When LHA evicts an individual or family for criminal activity, including drug-related criminal activity, LHA must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

13-IV.G. RECORD KEEPING

For more information concerning general record keeping, see Chapter 16.

LHA Policy

A written record of every termination and/or eviction will be maintained by LHA at the development where the family was residing, and will contain the following information:

- Name of resident, number and identification of unit occupied
- Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently
- Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905)
- Date and method of notifying the resident Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions

Chapter 14 GRIEVANCES AND APPEALS

INTRODUCTION

This chapter discusses grievances and appeals pertaining to LHA actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three parts:

Part I: Informal Hearings for Public Housing Applicants. This part outlines the requirements and procedures for informal hearings for public housing applicants.

Part II: Informal Hearings with Regard to Noncitizens. This part discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and tenant grievances.

Part III: Grievance Procedures for Public Housing Residents. This part outlines the requirements and procedures for handling grievances for public housing residents.

Note that this chapter is not LHA's grievance procedure. The grievance procedure is a document separate from the ACOP. This chapter of the ACOP provides the policies that drive the grievance procedure.

PART I: INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

14-I.A. OVERVIEW

When LHA makes a decision that has a negative impact on an applicant family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal hearing. HUD regulations do not provide a structure for or requirements regarding informal hearings for applicants (except with regard to citizenship status, to be covered in Part II). This part discusses LHA policies necessary to respond to applicant appeals through the informal hearing process.

14-I.B. INFORMAL HEARING PROCESS [24 CFR 960.208(a) and PH Occ GB, p. 58]

Informal hearings are provided for public housing applicants. An applicant is someone who has applied for admission to the public housing program, but is not yet a tenant in the program. Informal hearings are intended to provide a means for

an applicant to dispute a determination of ineligibility for admission to a project [24 CFR 960.208(a)]. Applicants to public housing are not entitled to the same hearing process afforded tenants in LHA grievance procedure [24 CFR 966.53(a) and PH Occ GB, p. 58].

Informal hearings provide the applicant a means to hear the details of the reasons for rejection, and an opportunity to present evidence to the contrary if available, and to claim mitigating circumstances if possible.

Use of Informal Hearing Process

While LHA must offer the opportunity of an informal hearing to applicants who have been determined as ineligible for admission, LHA could make the informal hearing process available to applicants who wish to dispute other LHA actions that adversely affect them.

LHA Policy

LHA will only offer informal hearings to applicants for the purpose of disputing denials of admission.

Notice of Denial [24 CFR 960.208(a)]

LHA must give an applicant prompt notice of a decision denying eligibility for admission. The notice must contain a brief statement of the reasons for LHA decision, and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family, in some cases, must be given the opportunity to dispute the information in those records which would be the basis of the denial. See Section 3-III.G for details concerning this requirement.

Scheduling an Informal Hearing

LHA Policy

A request for an informal hearing must be made in writing and delivered to LHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of LHA's notification of denial of admission. LHA will schedule and send written notice of the informal hearing within 10 business days of the family's request.

Conducting an Informal Hearing [PH Occ. GB, p. 58]

LHA Policy

The informal hearing will be conducted by a person other than the one who made the decision under review, or a subordinate of this person.

The applicant will be provided an opportunity to present written or oral objections to the decision of LHA.

The LHA staff person conducting the informal hearing is responsible for making the final decision as to whether admission should be granted or denied.

Informal Hearing Decision [PH Occ. GB, p. 58]

LHA Policy

LHA will notify the applicant of LHA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, LHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice
- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in LHA policy, then the decision to deny assistance will be overturned. See Chapter 3 for a detailed discussion of the grounds for applicant denial.
- The validity of the evidence. LHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, LHA will uphold the decision to deny admission.
- If the facts prove the grounds for denial, and the denial is discretionary, LHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.
- LHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed by first class mail, within 10 business days of the informal hearing, to the applicant and his or her representative, if any.

If the informal hearing decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal hearing, the denial of admission will stand and the family will be so notified.

Reasonable Accommodation for Persons with Disabilities [24 CFR 966.7]

Persons with disabilities may request reasonable accommodations to participate in the informal hearing process and LHA must consider such accommodations. LHA must also consider reasonable accommodation requests pertaining to the

reasons for denial if related to the person's disability. See Chapter 2 for more detail pertaining to reasonable accommodation requests.

PART II: INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

14-II.A. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while LHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or LHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

As discussed in Chapters 3 and 13, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with LHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

United States Citizenship and Immigration Services Appeal Process [24 CFR 5.514(e)]

When LHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, LHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide LHA with a copy of the written request for appeal and proof of mailing.

LHA Policy

LHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide LHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to LHA, of its decision. When the USCIS notifies LHA of the decision, LHA must notify the family of its right to request an informal hearing.

LHA Policy

LHA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that LHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of LHA notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

LHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of LHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

LHA Policy

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of LHA documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by LHA, and to confront and cross-examine all witnesses on whose testimony or information LHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or LHA, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, LHA is still obligated to provide oral translation services in accordance with its LEP Plan.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. LHA may, but is not required to provide a transcript of the hearing.

LHA Policy

LHA will not provide a transcript of an audio taped informal hearing.

Hearing Decision

LHA must provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The notice must state the basis for the decision.

Retention of Documents [24 CFR 5.514(h)]

LHA must retain for a minimum of 5 years the following documents that may have been submitted to LHA by the family, or provided to LHA as part of the USCIS appeal or LHA informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that LHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of LHA notice of termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in Part III below.

PART III: GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

14-III.A. REQUIREMENTS [24 CFR 966.52]

PHAs must have a grievance procedure in place through which residents of public housing are provided an opportunity to grieve any LHA action or failure to act involving the lease or LHA policies which adversely affect their rights, duties, welfare, or status.

LHA grievance procedure must be included in, or incorporated by reference in, the lease.

LHA Policy

LHA grievance procedure will be incorporated by reference in the tenant lease.

LHA must provide at least 30 days' notice to tenants and resident organizations setting forth proposed changes in LHA grievance procedure, and providing an opportunity to present written comments. Comments submitted must be considered by LHA before adoption of any grievance procedure changes by the LHA.

LHA Policy

Residents and resident organizations will have 30 calendar days from the date they are notified by LHA of any proposed changes in LHA grievance procedure, to submit written comments to LHA.

LHA must furnish a copy of the grievance procedure to each tenant and to resident organizations.

14-III.B. DEFINITIONS [24 CFR 966.53; 24 CFR 966.51(a) (2) (i)]

There are several terms used by HUD with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

- **Grievance** – any dispute which a tenant may have with respect to LHA action or failure to act in accordance with the individual tenant's lease or LHA regulations which adversely affect the individual tenant's rights, duties, welfare or status
- **Complainant** – any tenant whose grievance is presented to LHA or at the project management office
- **Due Process Determination** – a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit
- **Elements of Due Process** – an eviction action or a termination of tenancy in a state or local court in which the following procedural safeguards are required: – Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction – Right of the tenant to be represented by counsel – Opportunity for the tenant to refute the evidence presented by LHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have – A decision on the merits
- **Hearing Officer/Panel** – a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto
- **Tenant** – the adult person (or persons) (other than a live-in aide) – Who resides in the unit, and who executed the lease with LHA as lessee of the dwelling unit, or, if no such person now resides in the unit, – Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit
- **Resident Organization** – includes a resident management corporation

14-III.C. APPLICABILITY [24 CFR 966.51]

Potential grievances could address most aspects of a LHA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to LHA. It is not applicable to disputes between tenants not involving the LHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of LHA.

If HUD has issued a due process determination, LHA may exclude from LHA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of LHA
- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony conviction of a household member

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, but may use expedited grievance procedures, as described in Section 14-III.E. below, to deal with the first two of the above three categories of lease terminations.

If HUD has issued a due process determination, LHA may evict through the state/local judicial eviction procedures. In this case, LHA is not required to provide the opportunity for a hearing under LHA's grievance procedure as described above.

LHA Policy

LHA is located in a due process state; therefore LHA excludes the following from the LHA grievance process. The following exclusions can only be seen by a court of justice.

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of LHA
- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony conviction of a household member

See Chapter 13 for related policies on the content of termination notices.

14-III.D. INFORMAL SETTLEMENT OF GRIEVANCE [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to LHA office or to the office of the project in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

LHA Policy

LHA will accept requests for an informal settlement of a grievance either orally or in writing, to LHA office within 10 business days of the grievable event. Within 10 business days of receipt of the request LHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

If a tenant fails to attend the scheduled meeting without prior notice, LHA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in LHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

LHA Policy

LHA will prepare a summary of the informal settlement within 5 business days; one copy to be given to the tenant and one copy to be retained in the LHA's tenant file.

14-III.E. PROCEDURES TO OBTAIN A HEARING [24 CFR 966.55]

Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

All grievances must be presented in accordance with the informal procedures prescribed above as a condition prior to a grievance hearing. However, if the complainant can show good cause for failure to proceed with the informal settlement process to the hearing officer/panel, the hearing officer/panel may waive this provision [24 CFR 966.55(d)].

The complainant must submit the request in writing for a grievance hearing within a reasonable time after receipt of the summary of informal discussion [24 CFR 966.55(a)]. The request must specify the reasons for the grievance and the action or relief sought.

LHA Policy

The resident must submit a written request for a grievance hearing to LHA within 5 business days of the tenant's receipt of the summary of the informal settlement.

If the complainant does not request a hearing, LHA's disposition of the grievance under the informal settlement process will become final. However, failure to request a hearing does not constitute a waiver by the complainant of the right to contest LHA's action in disposing of the complaint in an appropriate judicial proceeding [24 CFR 966.55(c)].

Escrow Deposits [24 CFR 966.55(e)]

Before a hearing is scheduled in any grievance involving the amount of rent that LHA claims is due, the family must pay an escrow deposit to LHA. When a family is required to make an escrow deposit, the amount is the amount of rent LHA states is due and payable as of the first of the month preceding the month in which the family's act or failure to act took place. After the first deposit the family must deposit the same amount monthly until the family's complaint is resolved by decision of the hearing officer/panel.

LHA must waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income [24 CFR 5.630(b)(3)].

Unless LHA waives the requirement, the family's failure to make the escrow deposit will terminate the grievance procedure. A family's failure to pay the escrow deposit does not waive the family's right to contest LHA's disposition of the grievance in any appropriate judicial proceeding.

LHA Policy

LHA will not waive the escrow requirement for grievances involving rent amounts except where required to do so by regulation.

Scheduling of Hearings [24 CFR 966.55(f)]

If the complainant has complied with all requirements for requesting a hearing as described above, a hearing must be scheduled by the hearing officer/panel promptly for a time and place reasonably convenient to both the complainant and LHA. A written notification specifying the time, place and the procedures governing the hearing must be delivered to the complainant and the appropriate LHA official.

LHA Policy

Within 10 business days of receiving a written request for a hearing, the hearing officer will schedule and send written notice of the hearing to both the complainant and LHA. LHA may wish to permit the tenant to request to reschedule a hearing for good cause.

LHA Policy

The tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, LHA may request documentation of the "good cause" prior to rescheduling the hearing.

14-III.F. SELECTION OF HEARING OFFICER/PANEL [24 CFR 966.55(b)]

The grievance hearing must be conducted by an impartial person or persons appointed by LHA, other than the person who made or approved LHA action under review, or a subordinate of such person.

LHA Policy

LHA grievance hearings will be conducted by a single hearing officer and not a panel. LHA has designated hearing officers.

LHA must determine the methodology for appointment of the hearing officer and it must be stated in the grievance procedure.

LHA Policy

LHA will appoint a person who has been selected in the manner required under the grievance procedure. Efforts will be made to assure that the person selected is not a friend, nor enemy; of the complainant and that they do not have a personal stake in the matter under dispute or will otherwise have an appearance of a lack of impartiality.

LHA must consult with resident organizations before a person is appointed as a hearing officer or hearing panel member. Comments from the resident organizations must be considered before making the appointment.

14-III.G. PROCEDURES GOVERNING THE HEARING [24 CFR 966.56] Rights of Complainant [24 CFR 966.56(b)]

The complainant will be afforded a fair hearing. This includes: The opportunity to examine before the grievance hearing any LHA documents, including records and regulations that are directly relevant to the hearing. The tenant must be allowed to copy any such document at the tenant's expense. If LHA does not make the document available for examination upon request by the complainant, LHA may not rely on such document at the grievance hearing.

LHA Policy

The tenant will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of LHA documents no later than 12:00 p.m. on the business day prior to the hearing.

The right to be represented by counsel or other person chosen as the tenant's representative and to have such person makes statements on the tenant's behalf. LHA Policy Hearings may be attended by the following applicable persons: An LHA representative(s) and any witnesses for LHA, the tenant and any witnesses for the tenant the tenant's counsel or other representative, any other person approved by LHA as a reasonable accommodation for a person with a disability The right to a private hearing unless the complainant requests a public hearing. The right to present evidence and arguments in support of the tenant's complaint, to controvert evidence relied on by LHA or project management, and to confront and cross-examine all witnesses upon whose testimony or information LHA or project management relies.

A decision based solely and exclusively upon the facts presented at the hearing.

Decision without Hearing [24 CFR 966.56(c)]

The hearing officer/panel may render a decision without proceeding with the hearing if the hearing officer/panel determines that the issue has been previously decided in another proceeding.

Failure to Appear [24 CFR 966.56(d)]

If the complainant or LHA fails to appear at a scheduled hearing, the hearing officer/panel may make a determination to postpone the hearing for not to exceed five business days or may make a determination that the party has waived his/her right to a hearing. Both the complainant and LHA must be notified of the determination by the hearing officer/panel: Provided, That a determination that the complainant has waived his/her right to a hearing will not constitute a waiver of any right the complainant may have to contest LHA's disposition of the grievance in an appropriate judicial proceeding. There may be times when a complainant does not appear due to unforeseen circumstances which are out of their control and are no fault of their own.

LHA Policy

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 30 minutes. If the tenant appears within 30 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 30 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact LHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

General Procedures [24 CFR 966.56(e), (f), and (g)]

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter LHA must sustain the burden of justifying LHA action or failure to act against which the complaint is directed [24 CFR 966.56(e)]. The hearing must be conducted informally by the hearing officer/panel. LHA and the tenant must be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint and question any witnesses. In general, all evidence is admissible and may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings [24 CFR 966.56(f)].

LHA Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to LHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If LHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine LHA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of LHA to comply with discovery requirements, the hearing officer has the authority to overrule any objections to evidence.

The hearing officer/panel must require LHA, the complainant, counsel and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer/panel to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate [24 CFR 966.56(f)].

The complainant or LHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript [24 CFR 966.56(g)].

LHA Policy

If the complainant would like LHA to record the proceedings by audiotape, the request must be made to LHA by 12:00 p.m. on the business day prior to the hearing.

LHA will consider that an audio tape recording of the proceedings is a transcript.

Accommodations of Persons with Disabilities [24 CFR 966.56(h)]

LHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

If the tenant is visually impaired, any notice to the tenant which is required in the grievance process must be in an accessible format.

See Chapter 2 for a thorough discussion of LHA's responsibilities pertaining to reasonable accommodation.

14-III.H. DECISION OF THE HEARING OFFICER/PANEL [24 CFR 966.57]

The hearing officer/panel must issue a written decision, stating the reasons for the decision, within a reasonable time after the hearing. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the decision must be sent to the tenant and the LHA. LHA must retain a copy of the decision in the tenant's folder.

A copy of the decision, with all names and identifying references deleted, must also be maintained on file by LHA and made available for inspection by a prospective complainant, his/her representative, or the hearing officer/panel [24 CFR 966.57(a)].

LHA Policy

In rendering a decision, the hearing officer will consider the following matters:

PHA Notice to the Family: The hearing officer will determine if the reasons for the LHA's decision are factually stated in the notice.

Discovery: The hearing officer will determine if the family was given the opportunity to examine any relevant documents in accordance with LHA Policy.

LHA Evidence to Support LHA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support LHA's conclusion.

Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations and LHA policies. If the grounds for termination are not specified in the regulations or in compliance with LHA policies, then the decision of LHA will be overturned.

The hearing officer will issue a written decision to the family and LHA no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

- Name of the complainant
- Date, time and place of the hearing
- Name of the hearing officer

- Name of LHA representative(s)
- Name of family representative (if any)
- Names of witnesses (if any)

Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold LHA's decision.

Order: The hearing report will include a statement of whether LHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct LHA to change the decision in accordance with the hearing officer's determination. In the case of termination of tenancy, the hearing officer will instruct LHA to restore the family's status.

Procedures for Further Hearing

LHA Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of LHA will take effect and another hearing will not be granted.

Final Decision [24 CFR 966.57(b)]

The decision of the hearing officer/panel is binding on LHA which must take the action, or refrain from taking the action cited in the decision unless LHA Board of Commissioners determines within a reasonable time, and notifies the complainant that:

The grievance does not concern LHA action or failure to act in accordance with or involving the complainant's lease on LHA policies which adversely affect the complainant's rights, duties, welfare, or status; or

The decision of the hearing officer/panel is contrary to Federal, state, or local law, HUD regulations or requirements of the annual contributions contract between HUD and LHA

LHA Policy

When LHA considers the decision of the hearing officer to be invalid due to the reasons stated above, it will present the matter to LHA Board of Commissioners within 10 business days of the date of the hearing officer's decision. The Board has 30 calendar days to consider the decision. If the Board decides to reverse the hearing officer's decision, it must notify the complainant within 10 business days of this decision.

A decision by the hearing officer/panel, or Board of Commissioners in favor of LHA or which denies the relief requested by the complainant in whole or in part must not constitute a waiver of any rights the complainant may have to a subsequent trial or judicial review in court [24 CFR 966.57(c)].

Chapter 15

PROGRAM INTEGRITY

INTRODUCTION

The LHA is committed to ensuring that funds made available to the LHA are spent in accordance with HUD requirements.

This chapter covers HUD and LHA policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents LHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the LHA must and may take when errors or program abuses are found.

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and program abuse. PHAs are required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

Provide applicants and residents with form HUD-52675, “Debts Owed to PHAs and Terminations”

Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file

LHA Policy

The LHA anticipates that the vast majority of families and LHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors.

To ensure that the LHA’s program is administered effectively and according to the highest ethical and legal standards, the LHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

LHA will provide each applicant and resident with a copy of “Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.

The LHA will provide each applicant and resident with a copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19. In addition, LHA will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.

The LHA will require mandatory orientation sessions for all prospective residents either prior to or upon execution of the lease. The LHA will discuss program compliance and integrity issues. At the conclusion of all program orientation sessions, the family representative will be required to sign a program briefing certificate to confirm that all rules and pertinent regulations were explained to them.

The LHA will routinely provide resident counseling as part of every reexamination interview in order to clarify any confusion pertaining to program rules and requirements.

LHA staff will be required to review and explain the contents of all HUD-and LHA-required forms prior to requesting family member signatures.

The LHA will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key LHA forms and form letters that request information from a family member.

The LHA will provide each LHA employee with the necessary training on program rules and the organization’s standards of conduct and ethics.

For purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

15-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, the LHA will use a variety of activities to detect errors and program abuse.

Quality Control and Analysis of Data

LHA Policy

The LHA will employ a variety of methods to detect errors and program abuse, including:

The LHA routinely will use available sources of up-front income verification, including HUD’s EIV system, to compare with family-provided information.

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

The LHA will compare family-reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

OMB Circular A-133 requires all PHAs that expend \$500,000 or more in federal awards annually to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of LHA activities and notifies the LHA of errors and potential cases of program abuse.

LHA Policy

The LHA will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the LHA's error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

LHA Policy

The LHA will encourage staff, residents, and the public to report possible program abuse.

15-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When LHA Will Investigate

LHA Policy

The LHA will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for the LHA to investigate, the allegation must contain at least one independently-verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

The LHA will investigate inconsistent information related to the family that is identified through file reviews and the verification process.

Consent to Release of Information [24 CFR 960.259]

LHA may investigate possible instances of error or abuse using all available LHA and public records. If necessary, LHA will require applicant/resident families to give consent to the release of additional information.

Analysis and Findings

LHA Policy

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

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

For each investigation the LHA will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed the LHA, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies

All errors and instances of program abuse must be corrected prospectively. Whether LHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

LHA Policy

In the case of family-caused errors or program abuse, LHA will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

LHA Policy

LHA will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which LHA determined the error or program abuses, (3) the remedies to be employed, and (4) the family's right to appeal the results through an informal hearing or grievance hearing (see Chapter 14).

PART II: CORRECTIVE MEASURES AND PENALTIES

15-II.A. UNDER-OR OVERPAYMENT

An under-or overpayment includes an incorrect tenant rent payment by the family, or an incorrect utility reimbursement to a family.

Corrections

Whether the incorrect rental determination is an overpayment or underpayment, LHA must promptly correct the tenant rent and any utility reimbursement prospectively.

LHA Policy

Increases in the tenant rent will be implemented only after the family has received 30 days' notice.

Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

Reimbursement

Whether the family is required to reimburse LHA or LHA is required to reimburse the family depends upon which party is responsible for the incorrect payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

15-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

General administrative requirements for participating in the program are discussed throughout the ACOP. This section deals specifically with errors and program abuse by family members.

An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows LHA to use incorrect information provided by a third party.

Family Reimbursement to LHA

LHA Policy

In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. LHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the amount owed, LHA will terminate the family's lease in accordance with the policies in Chapter 13.

LHA Reimbursement to Family

LHA Policy

LHA will not reimburse the family for any overpayment of rent when the overpayment clearly is caused by the family.

Prohibited Actions

An applicant or resident in the public housing program must not knowingly:

- Make a false statement to LHA [Title 18 U.S.C. Section 1001].
- Provide incomplete or false information to LHA [24 CFR 960.259(a)(4)].
- Commit fraud, or make false statements in connection with an application for assistance or with reexamination of income [24 CFR 966.4(1)(2)(iii)(C)].

LHA Policy

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

- Offering bribes or illegal gratuities to LHA Board of Commissioners, employees, contractors, or other LHA representatives
- Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to LHA on the family's behalf
- Use of a false name or the use of falsified, forged, or altered documents
- Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)
- Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
- Admission of program abuse by an adult family member

LHA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse

In the case of program abuse caused by a family LHA may, at its discretion, impose any of the following remedies.

LHA may require the family to repay any amounts owed to the program (see 15-II.B., Family Reimbursement to LHA).

LHA may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 13 (for residents).

LHA may deny admission or terminate the family's lease following the policies set forth in Chapter 3 and Chapter 13 respectively.

LHA may refer the family for state or federal criminal prosecution as described in section 15-II.D.

15-II.C. LHA-CAUSED ERRORS OR PROGRAM ABUSE

The responsibilities and expectations of LHA staff with respect to normal program administration are discussed throughout the ACOP. This section specifically addresses actions of a LHA staff member that are considered errors or

program abuse related to the public housing program. Additional standards of conduct may be provided in LHA personnel policy.

LHA-caused incorrect rental determinations include (1) failing to correctly apply public housing rules regarding family composition, income, assets, and expenses, and (2) errors in calculation.

Repayment to the LHA

The family is not required to repay an underpayment of rent if the error or program abuse is caused by LHA staff.

LHA Reimbursement to Family

LHA Policy

LHA will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error or staff program abuse.

Prohibited Activities

LHA Policy

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

- Failing to comply with any public housing program requirements for personal gain
- Failing to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant or resident
- Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to the LHA
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of LHA activities, policies, or practices
- Misappropriating or misusing public housing funds
- Destroying, concealing, removing, or inappropriately using any records related to the public housing program
- Committing any other corrupt or criminal act in connection with any federal housing program

15-IL.D. CRIMINAL PROSECUTION

LHA Policy

When LHA determines that program abuse by a family or LHA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, LHA will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

15-IL.E. FRAUD AND PROGRAM ABUSE RECOVERIES

PHAs who enter into a repayment agreement with a family to collect rent owed, initiate litigation against the family to recover rent owed, or begin eviction proceedings against a family may retain 100 percent of program funds that LHA recovers [Notice PIH 2007-27(HA)].

If LHA does none of the above, all amounts that constitute an underpayment of rent must be returned to HUD.

The family must be afforded the opportunity for a hearing through the LHA's grievance process.

Chapter 16 PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of PHA-furnished utilities.

Part II: Establishing Flat Rents and Public Housing Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which LHA will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (PHAS). This part describes the PHAS indicators, how PHAs are scored under PHAS, and how those scores affect a PHA.

Part V: Record Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies LHA will follow.

Part VI: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the PHA's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VII: Violence against Women Act (VAWA): Notification, Documentation, and Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, and stalking; and maintaining the confidentiality of information obtained from victims.

PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]

16-1.A. OVERVIEW

PHAs must establish allowances for PHA-furnished utilities for all check metered utilities and for resident-purchased utilities for all utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)].

PHAs must also establish surcharges for excess consumption of PHA-furnished utilities [24 CFR 965.506].

LHA must maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

16-1.B UTILITY ALLOWANCES

LHA must establish separate allowances for each utility and for each category of dwelling units LHA determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

The objective of a LHA in establishing utility allowances for each dwelling unit category and unit size is to approximate a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment [24 CFR 965.505].

Utilities include gas, electricity, and fuel for heating, water, sewage, and solid waste disposal for a dwelling unit. In addition, if LHA does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities [PH Occ. GB, p. 138].

Utility allowance amounts will vary by the rates in effect, size and type of unit, climatic location and site of the unit, type of construction, energy efficiency of the dwelling unit, and other factors related to the physical condition of the unit.

Utility allowance amounts will also vary by residential demographic characteristics affecting home energy usage [PH Occ. GB, p. 138].

Chapter 14 of the *PH Occupancy Guidebook* provides detailed guidance to LHA about establishing utility allowances.

Air-Conditioning

“If a PHA installs air conditioning, it shall provide, to the maximum extent economically feasible, systems that give residents the option of choosing to use air conditioning in their units. The design of systems that offer each resident the option to choose air conditioning shall include retail meters or check meters, and residents shall pay for the energy used in its operation. For systems that offer residents the option to choose air conditioning but cannot be check metered, residents are to be surcharged in accordance with 965.506. If an air conditioning system does not provide for resident option, residents are not to be charged, and these systems should be avoided whenever possible.” [24 CFR 965.505(e)].

PHA Policy

LHA has installed air-conditioning in limited locations.

Utility Allowance Revisions [24 CFR 965.507]

LHA must review at least annually the basis on which utility allowances have been established and must revise the allowances if necessary in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505.

LHA may revise its allowances for resident-purchased utilities between annual reviews if there is a rate change, and is required to do so if such change, by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which the allowance was based.

Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account became effective.

LHA Policy

Between annual reviews of utility allowances, LHA will only revise its utility allowances due to a rate change, when required to by the regulation.

16-I.C. SURCHARGES FOR LHA -FURNISHED UTILITIES [24 CFR 965.506]

For dwelling units subject to allowances for LHA -furnished utilities where check meters have been installed, LHA must establish surcharges for utility consumption in excess of the allowances. Surcharges may be computed on a straight per unit of purchase basis or for stated blocks of excess consumption, and must be based on LHA's average utility rate. The basis for calculating the surcharges must be described in LHA's schedule of allowances. Changes in the amount of surcharges based directly on changes in LHA's average utility rate are not subject to the advance notice requirements discussed under 16-I.D.

For dwelling units served by LHA -furnished utilities where check meters have not been installed, LHA must establish schedules of surcharges indicating additional dollar amounts residents will be required to pay by reason of estimated utility consumption attributable to resident-owned major appliances or to optional functions of LHA -furnished equipment. The surcharge schedule must state the resident-owned equipment (or functions of LHA -furnished equipment) for which surcharges will be made and the amounts of such charges. Surcharges must be based on the cost to LHA of the utility consumption estimated to be attributable to reasonable usage of such equipment.

LHA Policy

LHA [does/**does not**] have LHA -furnished utilities.

16-I.D. NOTICE REQUIREMENTS [965.502]

LHA must give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must: Be provided at least 60 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

Describe the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges.

Notify residents of the place where the LHA's documentation on which allowances and surcharges are based is available for inspection.

Provide all residents an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

16-I.E. REASONABLE ACCOMMODATION [24 CFR 965.508]

On request from a family that includes a disabled or elderly person, LHA must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family [PH Occ. GB, p. 172].

Likewise, residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ. GB, p. 172].

See Chapter 2 for policies regarding the request and approval of reasonable accommodations.

PART II: ESTABLISHING FLAT RENTS AND PUBLIC HOUSING MAXIMUM RENTS

16-II.A. OVERVIEW

Flat rents are designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Public housing maximum rents are needed to prorate assistance for a mixed family. A mixed family is one whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigrations status [24 CFR 5.504].

This part discusses how LHA establishes and updates flat rents and public housing maximum rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships, and public housing maximum rents are discussed in Chapter 6.

16-II.B. FLAT RENTS [24 CFR 960.253(b)] Establishing Flat Rents

Flat rents for public housing units are based on the market rent charged for comparable units in the private unassisted rental market. The flat rent should be equal to the estimated rent for which LHA could promptly lease the public housing unit after preparation for occupancy.

LHA must use a reasonable method to determine flat rents. In determining flat rents, PHAs must consider the following:

- Location
- Quality
- Unit size
- Unit type
- Age of property
- Amenities at the property and in immediate neighborhood
- Housing services provided
- Maintenance provided by LHA
- Utilities provided by LHA

Review of Flat Rents

LHA must ensure that flat rents continue to mirror market rent values [24 CFR 960.253(b)].

LHA Policy

LHA will review flat rents on an annual basis, and adjust them as necessary to ensure that flat rents continue to mirror market rent values.

Posting of Flat Rents

LHA Policy

LHA will publicly post the schedule of flat rents in a conspicuous manner in the applicable LHA or project office.

Documentation of Flat Rents [24 CFR 960.253(b)(5)]

LHA must maintain records that document the method used to determine flat rents, and that show how flat rents were determined by LHA in accordance with this method.

Changes to Flat Rent Requirements – 2014 Appropriations Act

1. PURPOSE

This notice implements Sections 210 and 243 of Title II of P.L 113-76, the Consolidated Appropriations Act of 2014. Specifically, this guidance clarifies HUD’s interpretation of the statutory amendment related to flat rents and the requirement that PHAs comply with the amendments by June 1, 2014.

This notice serves as interim guidance. Section 243 requires HUD to commence rulemaking no later than six months after this notice is issued. The policy will be finalized through the rulemaking and public comment procedures. At that time, the Department will be very interested in feedback from PHAs and other stakeholders about how best to implement the policies. HUD is particularly interested in the burden created by the new policies, impact on PHA budgets, and impact on residents.

2. APPLICABILITY, BACKGROUND, AND HUD INTERPRETATION OF NEW STATUTORY REQUIREMENTS

This notice applies to PHAs that operate a public housing program. It also applies to families residing in, or applicants to the public housing program.

Moving to Work (MTW) PHAs operating a public housing program can exercise flexibility in regards to establishing flat rents, in accordance with the terms of their respective MTW Agreement and approved Annual MTW Plan. If an MTW PHA has not exercised flexibility via the Annual MTW Plan, then the policies set forth in this Notice will apply to the MTW PHA.

Currently, PHAs are required to establish flat rents based on the market rent of comparable units in the private, unassisted rental market. Paragraph (2)(B)(i) of Section 3(a) of the United States Housing Act of 1937 (the Act), as amended by Section 210, establishes new parameters that PHAs must use when determining the flat rent amounts. Specifically, flat rents must now be: set at no less than 80 percent of the applicable Fair Market Rent (FMR); and Section 210 also establishes that PHAs may, but are not required to lower flat rents to 80% of the applicable FMR in years when the FMR decreases from the previous year. This provision applies to the FMRs published for fiscal year 2015 and beyond. If a PHA must increase their flat rents to comply with the statutory changes, the increase shall be considered a significant amendment to the PHA Annual Plan. Please review Section 8 of this Notice which provides a detailed explanation regarding significant amendments for flat rent changes.

PHAs shall comply with the new flat rent requirements by June 1, 2014. The Department will consider PHAs to be in compliance with the new requirements if non-qualified agencies have initiated the process to amend their PHA Annual Plan, and qualified agencies have initiated the public hearing process by no later than June 1, 2014. PHAs should begin applying the new flat rent schedules to households they are recertifying and new applicants by October 31, 2014.

If a new flat rent amount for a unit will increase a family's existing rental payment by more than 35 percent, then the new flat rent amount shall be phased in as necessary to ensure that the family's existing rental payment does not increase by more than 35 percent annually. For more information, see Section 6 of this notice.

3. FMRs AND UTILITY PAYMENTS

Fair Market Rents (FMRs) are gross rent estimates that cover the shelter rent plus the cost of all necessary utilities regardless of who actually pays the utilities. Although the inclusion of utilities in the FMR is an accurate estimate of the cost of renting a unit in a particular area, their inclusion for purposes of setting Public Housing flat rents may lead to families paying more in gross rent if the shelter rent is not adjusted to reflect utility payments. Specifically, families that pay a flat rent for public housing units and that pay their own utilities would pay more in gross rent (i.e., shelter rent plus utilities) than a family in a similarly situated unit where the PHA pays the utilities.

For example, if an agency sets the flat rent for 1-BR units at exactly 80 percent of the FMR, totaling (\$400), a family renting a unit where the PHA pays the utilities would pay \$400, and a family that rents a unit where they are responsible for paying utilities would pay \$400 plus the cost of utilities. In this case, the family paying for utilities directly pays more because they are renting a unit where they are responsible for their own utility payments.

To address this issue when establishing flat rents, PHAs must consider who is responsible for direct utility payments to the utility company, and adjust the flat rent accordingly. Specifically, if an agency is responsible for paying for utilities to the utility company, no adjustment is necessary when setting flat rents. However, if the family is responsible for making direct utility payments to the utility company, the PHA must adjust the flat rent amount downward, using a utility allowance, to account for reasonable utility costs of an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. For flat rents that are set at 80 percent of FMR, PHAs must first determine 80 percent of FMR for each bedroom-size, and then reduce that amount by the utility allowance. For example, if 80 percent of FMR for a 1-BR unit is \$400, then the resulting rent after a reasonable utilities reduction of \$50 per month would be \$350. PHAs should also consider utility payments where flat rents are set above 80 percent of FMR and incorporate such adjustments as necessary.

4. FLAT RENT POLICIES – HOW TO COMPLY WITH THE NEW REQUIREMENTS IN THE INITIAL YEAR

In order to comply with the statutory requirements, PHAs must do the following:

- 1) Compare the current flat rent amount as determined by the PHA to the applicable FMR;
- 2) If the existing flat rent amount is at least 80 percent of the FMR, the PHA is in compliance with the law, and no further steps are necessary;
- 3) If the existing flat rent amount is less than 80 percent of FMR, PHAs must revise their flat rents to no less than 80 percent of FMR, subject to the utilities adjustment in section 3 of this notice;
- 4) If changes to flat rents are necessary, include a description of the changes to the flat rent policies in a significant amendment to the PHA Annual Plan. Section 8 of this notice provides for a streamlined process for completing this requirement;
- 5) Update the flat rent policies in the Admissions and Continued Occupancy Policies (ACOP);
- 6) The PHA must offer the new flat rent and the applicable income-based rent to all new admissions to the program within 90 days of formally adopting the new flat rents, but not later than October 31, 2014; and
- 7) Within 90 days after a PHA has formally adopted the new flat rents, but not later than October 31, 2014, the PHA must begin to offer the new flat rent to families that are currently paying the flat rent amount, at the family's next annual rent option, and permit the family to choose between the flat rent amount and the income-based rent, subject to the requirements of Section 6 of this notice.

5. FLAT RENT POLICIES – HOW TO COMPLY ON AN ANNUAL BASIS

In order to comply with the flat rent requirements annually, PHAs must:

- 1) Calculate flat rents using a rent reasonableness methodology,¹ as defined in 24 CFR Part 960.253(b), for determining the flat rent based on the market rent of comparable units in the private, unassisted rental market. Such a reasonable method should consider the location, quality, size, unit type, unit age, and any amenities;
- 2) If the flat rent, as determined by the rent reasonableness study, is at least 80 percent of the FMR, PHAs must set flat rents at the amount determined by the rent reasonableness study;
- 3) If the flat rent, as determined by the rent reasonableness study, is less than 80 percent of the FMR, PHAs must set flat rents at no less than 80 percent of the FMR, subject to the utilities adjustment in section 3 of this notice;
- 4) If the FMR falls from the previous year, PHAs, may, but are not required to lower the flat rent amount to 80 percent of the FMR;
- 5) Include a description of flat rent policies in the PHA annual plan or in documents available for a public hearing as applicable;
- 6) Update the flat rent policies in the Admissions and Continued Occupancy Policies (ACOP) as necessary;
- 7) At all new admissions permit the family to choose between the flat rent amount and the income-based rent;
- 8) For families that are already paying the flat rent amount, PHAs must offer any changes to flat rent amount at the next annual rent option, and permit the family to choose between the flat rent amount and the income-based rent, subject to the requirements of Section 6 of this notice; and
- 9) Upon issuance of new FMRs by HUD, the PHA must:
 - Determine if the current flat rent is at least 80% of the new FMR;
 - Update the flat rent amounts² if necessary to meet the 80% requirement within a reasonable time but no later than 90 days of HUD publishing new FMRs;
 - Apply the new flat rents to all new admissions and to existing families at the next annual rent option, subject to Section 6 of this notice.

6. FLAT RENT INCREASE PHASE-IN REQUIREMENTS

Section 210 of the FY 14 Appropriations Act requires that if an existing tenant's rental payment would be increased by 35 percent or more as a result of changes to the flat rent

1 The Department recognizes the burden placed on PHAs by the requirement to complete rent reasonableness studies annually, particularly in jurisdictions where market rents are substantially below the applicable FMR. PHAs that determine through their rent reasonableness methodology that their reasonable rents would be less than 60 percent of the applicable FMR may choose to complete a rent reasonableness study once every three years, rather than annually.² Updating flat rents based on changes to the FMR by HUD does not constitute a significant amendment to the annual plan. The amount, that the increase must be phased in such that a family would not experience an increase in their rental payment of more than 35 percent in any one year. Although Section 210 permits PHAs to increase flat rents by up to 35 percent annually, PHAs may consider any limitations on annual rent increases pursuant to state and local law. For example, some states have established annual rent increase limits of no more than 10 percent. Further, PHAs have discretion to phase-in rent increases 35 percent or less over a three-year period. For example, for a family that will experience a rent increase of 10 percent due to the new flat rent requirements, a PHA could choose to phase in the total rent increase over three years.

In order to determine how to phase-in increases in rental payments, PHAs must:

- 1) On a case-by-case basis, at the family's next annual rent option, compare the updated flat rent amount applicable to the unit for which a family is currently paying the flat rent to the flat rent that was being paid by the family immediately prior to the annual rent option;
 - a) If the new flat rent amount would not increase a family's rental payment, the family may choose to pay either the updated flat rent amount or the previously calculated income-based rent;
 - b) If the updated flat rent amount would increase a family's rental payment, PHAs must conduct a flat rent impact analysis by multiplying the existing flat rent amount by 35 percent (or a lesser amount pursuant to state/local law) and adding that product to the flat rent amount ($FR \times 35\% = X + FR$). This calculation can be done by simply multiplying the current flat rent amount by 1.35. PHAs must then compare the product of the calculation to the updated flat rent amount; and
- 2) The PHA must offer and the family may choose to pay, either the lower of the flat rents that were compared in the flat rent impact analysis or the previously calculated Income-based rent.

16-ILC. PUBLIC HOUSING MAXIMUM RENTS

Establishing Public Housing Maximum Rents

PHAs are prohibited from making financial assistance available to persons who are not citizens or nationals of the United States, and to those who do not have eligible immigration status [24 CFR 5.500]. Therefore, in order to assist mixed families, PHAs must prorate assistance. Public housing maximum rents are needed in order to calculate the tenant rent for a mixed family.

The public housing maximum rent is based on value of the 95th percentile of the total tenant payment (TTP) for each tenant within the LHA. PHAs may calculate a maximum rent on either a LHA -or project wide basis. A separate maximum rent can be provided for each separate project or projects may be combined into logical groups, if appropriate. HUD recommends that a single project basis be avoided for a project unless at least 50 dwelling units are involved. PHAs may use the "direct comparison" or the "unit distribution" method for establishing the public housing maximum rents for each unit size. Appendix H, of Guidebook 7465.G, Restrictions on Assistance to Noncitizens provides detailed guidance on how to establish public housing maximum rents using the methodologies identified above.

Review of Public Housing Maximum Rents

LHA Policy

LHA will recalculate the public housing maximum rents on an annual basis.

Posting of Public Housing Maximum Rents

LHA Policy

LHA will publicly post the schedule of public housing maximum rents in a conspicuous manner in the applicable LHA or project office.

Documentation of Public Housing Maximum Rents

LHA Policy

LHA will maintain records that document how LHA determined the 95th percentile of TTP, whether the maximum rent was determined LHA -wide, project-wide, or with groupings of projects, and the methodology used to determine maximum rents for each unit size.

PART III: FAMILY DEBTS TO THE LHA

16-III.A. OVERVIEW

This part describes LHA's policies for recovery of monies owed to LHA by families.

LHA Policy

When an action or inaction of a resident family result in the underpayment of rent or other amounts, LHA holds the family liable to return any underpayments to the LHA.

LHA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When a family refuses to repay monies owed to LHA, LHA will utilize other available collection alternatives including, but not limited to, the following: Collection agencies, Small claims court Civil law suit, State income tax set-off program when available.

16-III.B. REPAYMENT POLICY Family Debts to the LHA

LHA Policy

Any amount owed to LHA by a public housing family must be repaid. If the family is unable to repay the debt within 30 days, LHA will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, LHA will terminate the family's tenancy in accordance with the policies in Chapter 13. LHA will also pursue other modes of collection.

General Repayment Agreement Guidelines

Down Payment Requirement

LHA Policy

The family must pay the equivalent of the first 3 month's payment at the time of signing the repayment agreement.

Payment Thresholds

Notice PIH 2010-19 recommends that the total amount that a family must pay each month—the family's monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family's monthly adjusted income, which is considered "affordable." Moreover, Notice PIH 2010-19 acknowledges that PHAs have the discretion to establish "thresholds and policies" for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

LHA Policy LHA has established the following thresholds for repayment of debts: Amounts over \$5,000: tenants may request an alternate payment plan that does not exceed 12 months. Amounts between \$3,000 and \$5,000: must be repaid within 12 months. Amounts between \$2,000 and \$2,999: must be repaid within 6 months. Amounts within \$1,000 and \$1,999: must be repaid within 3 months. Amounts under \$1,000 must be repaid within 2 months. If a family can provide evidence satisfactory to LHA that the threshold applicable to the family's debt would impose an undue hardship, LHA may, in its sole discretion, determine that a lower monthly payment amount is reasonable. In making its determination, LHA will consider all relevant information, including the following:

- The amount owed by the family to LHA.
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family's control.
- The family's current and potential income and expenses.
- The family's current family share as calculated under 24 CFR 982.515.
- The family's history of meeting its financial responsibilities.

Execution of the Agreement

LHA Policy

Any repayment agreement between LHA and a family must be signed and dated by LHA and by the head of household and spouse/co-head (if applicable).

Due Dates

LHA Policy

All payments are due by the close of business on the 15th day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th. LHA may adjust the due date to meet the tenant income pattern.

Late or Missed Payments

LHA Policy

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by the LHA, LHA will send the family a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and LHA will terminate tenancy in accordance with the policies in Chapter 13.

If a family receives three delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and LHA will demand payment in full. If payment is not made LHA will terminate tenancy in accordance with the policies in Chapter 13.

No Offer of Repayment Agreement

LHA Policy

LHA generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family, or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

Repayment Agreements Involving Improper Payments

Notice PIH 2010-19 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

A reference to the items in the public housing lease that state the family's obligation to provide true and complete information at every reexamination and the grounds on which LHA may terminate assistance because of a family's action or failure to act

A statement clarifying that each month the family not only must pay to LHA the monthly payment amount specified in the agreement but must also pay to LHA the family's monthly rent.

A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
A statement that late or missed payments constitute default of the repayment agreement and may result in termination of tenancy

PART IV: PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS)

16-IV.A. OVERVIEW

The purpose of the Public Housing Assessment System (PHAS) is to improve the delivery of services in public housing and enhance trust in the public housing system among PHAs, public housing residents, HUD and the general public by providing a management tool for effectively and fairly measuring the performance of a public housing agency in essential housing operations.

16-IV.B. PHAS INDICATORS [24 CFR 902 Subparts A, B, C, D, and E]

The information below lists each of the PHAS indicators, the points possible under each indicator, and a brief description of each indicator. A PHA's performance is based on a combination of all four indicators.

Indicator 1: Physical condition of the PHA's projects

Maximum Score: 40

- The objective of this indicator is to determine the level to which a PHA is maintaining its public housing in accordance with the standard of decent, safe, sanitary, and in good repair.
- To determine the physical condition of a PHA's projects, inspections are performed of the following five major areas of each public housing project: site, building exterior, building systems, dwelling units, and common areas.

The inspections are performed by an independent inspector arranged by HUD, and include a statistically valid sample of the units in each project in the PHA's public housing portfolio.

Indicator 2: Financial condition of the PHA's projects

Maximum Score: 25

- The objective of this indicator is to measure the financial condition of the PHA's public housing projects for the purpose of evaluating whether HACC has sufficient financial resources and is capable of managing those financial resources effectively to support the provision of housing that is decent, safe, sanitary, and in good repair.
- A PHA's financial condition is determined by measuring each public housing project's performance in each of the following sub-indicators: quick ratio, month's expendable net assets ratio, and debt service coverage ratio.

Indicator 3: Management operations of the PHA's projects

Maximum Score: 25

- The objective of this indicator is to measure certain key management operations and responsibilities of a PHA's projects for the purpose of assessing the PHA's management operations capabilities.
- Each project's management operations are assessed based on the following sub-indicators: occupancy, tenant accounts receivable, and accounts payable.
- An on-site management review may be conducted as a diagnostic and feedback tool for problem performance areas, and for compliance. Management reviews are not scored.

Indicator 4: Capital Fund

Maximum Score: 10

- The objective of this indicator is to measure how long it takes HACC to obligate capital funds and to occupy units.
- The PHA's score for this indicator is measured at HACC level and is based on the following sub-indicators: timeliness of fund obligation and occupancy rate.

16-IV.C. PHAS SCORING [24 CFR 902 Subpart F]

HUD's Real Estate Assessment Center (REAC) issues overall PHAS scores, which are based on the scores of the four PHAS indicators, and the sub-indicators under each indicator. The PHA's indicator scores are based on a weighted average of the PHA's public housing projects' scores. PHAS scores translate into a designation for each PHA as high performing, standard, substandard, or troubled.

A high performer is a PHA that achieves an overall PHAS score of 90 or greater, and achieves a score of at least 60 percent of the points available under the physical, financial, and management indicators and at least 50 percent of the points available under the capital fund indicator.

A standard performer is a PHA that has an overall PHAS score between 60 and 89, and achieves a score of at least 60 percent of the points available under the physical, financial, and management indicators and at least 50 percent of the points available under the capital fund indicator.

A substandard performer is a PHA that has an overall PHAS score of at least 60 percent and achieves a score of less than 60 percent under one or more of the physical, financial, or management indicators.

A troubled performer is a PHA that achieves an overall PHAS score of less than 60, or achieves less than 50 percent of the total points available under the capital fund indicator.

These designations can affect a PHA in several ways:

High-performing PHAs are eligible for incentives including relief from specific HUD requirements and bonus points in funding competitions [24 CFR 902.71].

PHAs that are standard performers may be required to submit and operate under a corrective action plan to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)(1)].

PHAs that are substandard performers will be required to submit and operate under a corrective action plan to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)(2)].

PHAs with an overall rating of "troubled" are subject to additional HUD oversight, and are required to enter into a memorandum of agreement (MOA) with HUD to improve PHA performance [24 CFR 902.75].

PHAs that fail to execute or meet MOA requirements may be referred to the Assistant Secretary to determine remedial actions, including, but not limited to, remedies available for substantial default [24 CFR 902.75(g) and 24 CFR Part 907].

PHAs must post a notice of its final PHAS score and status in appropriate conspicuous and accessible locations in its offices within two weeks of receipt of its final score and designation [24 CFR 902.64(b)(2)].

PART V: RECORD KEEPING

16-V.A. OVERVIEW

LHA must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, LHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

16-V.B. RECORD RETENTION

LHA must keep the last three years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three years from the end of participation (EOP) date [24 CFR 908.101].

LHA Policy

During the term of each public housing tenancy, and for at least four years thereafter, LHA will keep all documents related to a family's eligibility, tenancy, and termination. In addition, LHA will keep the following records for at least four years:

- An application from each ineligible family and notice that the applicant is not eligible
- Lead-based paint records as required by 24 CFR 35, Subpart B Documentation supporting the establishment of flat rents and the public housing maximum rent
- Documentation supporting the establishment of utility allowances and surcharges Documentation related to PHAS Accounts and other records supporting LHA budget and financial statements for the program
- Other records as determined by LHA or as required by HUD If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

16-V.C. RECORDS MANAGEMENT

PHAs must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

LHA Policy

All applicant and participant information will be kept in a secure location and access will be limited to authorized LHA staff.

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

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or LHA may release the information collected.

Upfront Income Verification (UIV) Records

PHAs that access UIV data through HUD's Enterprise Income Verification (EIV) System are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data*.

LHA Policy

Prior to utilizing HUD's EIV system, LHA will adopt and implement EIV security procedures required by HUD.

Criminal Records

LHA may only disclose the criminal conviction records which LHA receives from a law enforcement agency to officers or employees of the LHA, or to authorized representatives of LHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

LHA must establish and implement a system of records management that ensures that any criminal record received by LHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to LHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

LHA must establish and implement a system of records management that ensures that any sex offender registration information received by LHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to LHA action without institution of a challenge or final disposition of any such litigation. This requirement does not apply to information that is public information, or is obtained by a PHA other than under 24 CFR 5.905.

Medical/Disability Records

PHAs are not permitted to inquire about the nature or extent of a person's disability. LHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If LHA receives a verification document that provides such information, LHA should not place this information in the tenant file. LHA should destroy the document.

Domestic Violence, Dating Violence, or Stalking Records

For requirements and PHA policies related to management of documentation obtained from victims of domestic violence, dating violence, or stalking, see section 16-VII.E.

PART VI: REPORTING REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

16-VI.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]

LHA has certain responsibilities relative to children with environmental intervention blood lead levels that are living in public housing.

LHA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. LHA must also report each known case of a child with an environmental intervention blood lead level to the HUD field office.

LHA Policy

LHA will provide the public health department written notice of the name and address of any child identified as having an environmental intervention blood lead level.

LHA will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office within 5 business days of receiving the information.

PART VII: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

16-VII.A. OVERVIEW

The Violence against Women Act of 2005 (VAWA) provides special protections for victims of domestic violence, dating violence, and stalking who are applying for or receiving assistance under the public housing program. If your state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and LHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and LHA policies are located in Chapter 3, "Eligibility" (sections 3-I.C and 3-III.F); Chapter 5, "Occupancy Standards and Unit Offers" (section 5-II.D); Chapter 8, "Leasing and Inspections" (section 8-I.B); Chapter 12, "Transfer Policy" (sections 12-III.C, 12-III.F, and 12-IV.D); and Chapter 13, "Lease Terminations" (sections 13-III.F and 13-IV.D).

16-VII.B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

The term *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 shares a child in common, by a person who is cohabitating with or has cohabitated 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 person's acts under the domestic or family violence laws of the jurisdiction.

The term *immediate family member* means, with respect to a person:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.

The term *stalking* means:

- 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

16-VII.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

LHA adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are aware of their rights under VAWA.

LHA Policy

LHA will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, or stalking (see sample notice in Exhibit 16-1)

The definitions of *domestic violence*, *dating violence*, and *stalking* provided in VAWA (included in Exhibit 16-1)

An explanation of the documentation that LHA may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the LHA's obligation to keep confidential any information that it receives from a victim unless (a) LHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or Florida Relay Number 711 (TTY) (included in Exhibit 16-1) Contact information for local victim advocacy groups or service providers.

Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]

PHAs are required to inform public housing tenants of their rights under VAWA, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, PHAs may elect to provide the same information to applicants.

LHA Policy

LHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. LHA will also include such information in all notices of denial of assistance (see section 3-III.F). LHA will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual reexamination. LHA will also include such information in all lease termination notices (see section 13-IV.D).

The VAWA information provided to applicants and tenants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

LHA is not limited to providing VAWA information at the times specified in the above policy. If LHA decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases LHA make alternative delivery arrangements that will not put the victim at risk.

LHA Policy

Whenever LHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

16-VII.D. DOCUMENTATION [24 CFR 5.2007]

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. LHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the LHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator
- (2) A federal, state, tribal, territorial, or local police report or court record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

LHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

LHA Policy

Any request for documentation of domestic violence, dating violence, or stalking will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

LHA may, in its discretion, extend the deadline for 10 business days. Any extension granted by LHA will be in writing.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where LHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, LHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). LHA must honor any court orders issued to protect the victim or to address the distribution of property.

LHA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, LHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

LHA has the discretion to provide benefits to an individual based solely on the individual’s statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

LHA Policy

If LHA accepts an individual’s statement or other corroborating evidence of domestic violence, dating violence, or stalking, LHA will document acceptance of the statement or evidence in the individual’s file.

Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as LHA may allow, LHA may deny relief for protection under VAWA.

16-VII.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

All information provided to LHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that LHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

LHA Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, LHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

EXHIBIT 16-1: SAMPLE NOTICE TO PUBLIC HOUSING APPLICANTS AND TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing, the housing authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, or stalking.

If you are the victim of domestic violence, dating violence, or stalking, the housing authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a member of your household or a guest can’t be the reason for evicting you if you were the victim of the abuse.

Reasons You Can Be Evicted

The housing authority can still evict you if the housing authority can show there is an *actual and imminent* (immediate) threat to other tenants or housing authority staff if you are not evicted. Also, the housing authority can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking against you. The housing authority cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

The housing authority may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If the housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, the housing authority must follow federal, state, and local eviction procedures.

Proving That You Are a Victim of Domestic Violence, Dating Violence, or Stalking

The housing authority can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, or stalking. It must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority is free to extend the deadline. There are three ways you can prove that you are a victim: Complete the certification form given to you by the housing authority. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.

Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."

Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the housing authority may evict you.

Confidentiality

The housing authority must keep confidential any information you provide about the violence against you, unless: You give written permission to the housing authority to release the information.

The housing authority needs to use the information in an eviction proceeding, such as to evict your abuser.

A law requires the housing authority to release the information.

If release of the information would put your safety at risk, you should inform the housing authority.

VAWA and Other Laws

VAWA does not limit the housing authority's duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact Kasandra Davis, Assistant Director of Housing at (863) 687-2911.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions

For purposes of determining whether a public housing applicant or tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse

- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction

VAWA defines ***dating violence*** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines ***stalking*** as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) 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.

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF Annual adjustment factor (published by HUD in the Federal Register and used to compute annual rent adjustments)

ACC Annual contributions contract

ADA Americans with Disabilities Act of 1990

BR Bedroom

CDBG Community Development Block Grant (Program)

CFR Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”)

CPI Consumer price index (published monthly by the Department of Labor as an inflation indicator)

EID Earned income disallowance

EIV Enterprise Income Verification

FDIC Federal Deposit Insurance Corporation

FHA Federal Housing Administration

FICA Federal Insurance Contributions Act (established Social Security taxes)

FMR Fair market rent

FR Federal Register

FSS Family Self-Sufficiency (Program)

FY Fiscal year

FYE Fiscal year end

GAO Government Accountability Office

GR Gross rent

HAP Housing assistance payment

HCV Housing choice voucher
HQS Housing quality standards
HUD Department of Housing and Urban Development
HUDCLIPS HUD Client Information and Policy System
IPA Independent public accountant
IRA Individual Retirement Account
IRS Internal Revenue Service
JTPA Job Training Partnership Act **LBP** Lead-based paint **MSA** Metropolitan statistical area (established by the U.S. Census Bureau) **MTCS** Multi-family Tenant Characteristics System (now the Form HUD-50058 sub-module of the PIC system)
MTW Moving to Work
NOFA Notice of funding availability
OIG HUD's Office of Inspector General
OMB Office of Management and Budget
PHA Public housing agency
PIC PIH Information Center
PIH (HUD Office of) Public and Indian Housing
PS Payment standard
QC Quality control
QHWRA Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)
REAC (HUD) Real Estate Assessment Center
RFP Request for proposals
RFTA Request for tenancy approval
RIGI Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level)
SEMAP Section 8 Management Assessment Program
SRO Single room occupancy
SSA Social Security Administration
SSI Supplemental security income
TANF Temporary assistance for needy families
TPV Tenant protection vouchers
TR Tenant rent
TTP Total tenant payment
UA Utility allowance
UIV Upfront income verification
URP Utility reimbursement payment
VAWA Violence Against Women Reauthorization Act of 2005

B. GLOSSARY OF SUBSIDIZED HOUSING TERMS

Absorption. In portability (under subpart H of this part 982): the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Adjusted income. Annual income, less allowable HUD deductions and allowances.

Administrative fee. Fee paid by HUD to the PHA for administration of the program. See §982.152.

Administrative plan. The plan that describes PHA policies for administration of the tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA's board and included as a supporting document to the PHA Plan. See §982.54.

Admission. The point when the family becomes a participant in the 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) in a tenant-based program.

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

Annual contributions contract (ACC). The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Annual income. The anticipated total income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

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

Area exception rent. An amount that exceeds the published FMR. See 24 CFR 982.504(b).

As-paid states. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See *net family assets*.)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

Bifurcate. With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Budget authority. An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Child. 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 child care 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.

Co-head. An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse but not both. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

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

Computer match. The automated comparison of databases containing records about individuals.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see 24 CFR 982.606–609.

Contiguous MSA. In portability (under subpart H of part 982): An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

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

Contract authority. The maximum annual payment by HUD to a PHA for a funding increment.

Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type (see 24 CFR 982.619).

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation.

Includes families who receive welfare assistance or other public assistance 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 the assistance.

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

-The length of the relationship

-The type of relationship

-The frequency of interaction between the persons involved in the relationship

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.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

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, co-head, spouse, or sole member is a person with disabilities; 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*.

Disallowance. Exclusion from annual income.

Displaced family. A family in which each member, or whose sole member, is a person displaced by governmental action, 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. Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated 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 person's 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-related criminal activity. As defined in 42 U.S.C. 1437f(f)(5).

Drug-trafficking. The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Economic self-sufficiency program. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603(c).

Elderly family. A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age; 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. An individual who is at least 62 years of age.

Eligible family (Family). A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR.

Employer identification number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted as evidence of citizenship or eligible immigration status. (See 24 CFR 5.508(b).)

Extremely low-income family. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. (See 24 CFR 5.603.)

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

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. See periodic publications in the *Federal Register* in accordance with 24 CFR Part 888.

Family. Includes but is not limited to the following, and can be further defined in PHA policy. -A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and

family size) -An elderly family or a near-elderly family -A displaced family -The remaining member of a tenant family -A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family rent to owner. In the voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24 CFR part 984 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. For calculation of family share, see 24 CFR 982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

Federal agency. A department of the executive branch of the Federal Government.

Foster child care payment. A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

Full-time student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (See 24 CFR 5.603)

Funding increment. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

Gross rent. The sum of the rent to owner plus any utility allowance.

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). (A special housing type: see 24 CFR 982.610–614.)

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

HAP contract. The housing assistance payments contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

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

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Housing assistance payment. The monthly assistance payment by a PHA, 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 agency (HA). See *public housing agency*.

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

HUD. The U.S. Department of Housing and Urban Development.

Immediate family member. A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or any other person living in the household of that person and related to that person by blood and marriage.

Imputed asset. An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

Imputed income. The HUD passbook rate multiplied by the total cash value of assets. The calculation is used when net family assets exceed \$5,000.

Imputed welfare income. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

Income for eligibility. Annual income.

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment wages and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Individual with handicaps. See *person with disabilities*.

Initial PHA. In portability, the term refers to both: (1) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and (2) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

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 HAP contract term.

Institution of higher education. An institution of higher education as defined in 20 U.S.C. 1001 and 1002. See Exhibit 3-2 in this Administrative Plan.

Jurisdiction. The area in which the PHA has authority under state and local law to administer the program.

Landlord. Either the owner of the property or his/her representative, or the managing agent or his/her representative, as shall be designated by the owner.

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

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

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

Local Preference. A preference used by the PHA to select among applicant families.

Low-Income Family. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low 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. (A special housing type: see 24 CFR 982.620 and 982.621.)

Manufactured home space. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624.

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 (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3 percent of annual income.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

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

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

Mutual housing. 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. (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

-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 under §5.609.

-In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (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 therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

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.

Office of General Counsel (OGC). The General Counsel of HUD.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

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

PHA's quality control sample. An annual sample of files or records drawn in an unbiased manner and reviewed by a PHA supervisor (or by another qualified person other than the person who performed the original work) to determine if the work documented in the files or records conforms to program requirements. For minimum sample size see CFR 985.3.

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

Payment standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

Person with disabilities. *For the purposes of program eligibility.* A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

Portability. Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

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

Previously unemployed. With regard to the earned income disallowance, a person with disabilities who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

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 that, under any of the programs covered is responsible for making eligibility and related determinations and any income reexamination. In the HCV program, the "processing entity" is the "responsible entity."

Project owner. The person or entity that owns the housing project containing the assisted dwelling unit.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public housing agency (PHA). Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Qualified family (under the earned income disallowance). A family participating in an applicable assisted housing program or receiving HCV assistance:

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

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

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

Qualified census tract. With regard to certain tax credit units, any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent, and where the census tract is designated as a qualified census tract by HUD.

Reasonable rent. 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.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

Receiving PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

Recertification. Sometimes called *reexamination*. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

Remaining member of the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

Rent to owner. The total monthly rent payable to the owner under the lease for the unit (also known as contract rent). Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing and the Section 8 tenant-based assistance, project-based certificate assistance, and moderate rehabilitation programs, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

Secretary. The Secretary of Housing and Urban Development.

Section 8. Section 8 of the United States Housing Act of 1937.

Section 8 covered programs. All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8 assisted housing for which loans are made under Section 202 of the Housing Act of 1959.

Section 214. Section 214 of the Housing and Community Development Act of 1980, as amended.

Section 214 covered programs. The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in 24 CFR 5.500.

Security deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

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

Shared housing. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. (A special housing type: see 24 CFR 982.615–982.618.)

Single Person. A person living alone or intending to live alone.

Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. (A special housing type: see 24 CFR 982.602–982.605.)

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

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

Special housing types. See subpart M of part 982. Subpart M states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

Specified welfare benefits reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal 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.

Subsidy standards. Standards established by a PHA 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 voucher after the family submits a request for tenancy approval. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension. This practice is also called *tolling*.

Tax credit rent. With regard to certain tax credit units, the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Tenancy addendum. For the housing choice voucher program, the lease language required by HUD in the lease between the tenant and the owner.

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

Tenant rent to owner. See *family rent to owner*.

Term of lease. The amount of time a tenant agrees in writing to live in a dwelling unit.

Total tenant payment (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

Unit. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

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

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.

Very low-income family. A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the housing choice voucher program.

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

Voucher (housing choice voucher). A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher holder. A family holding a voucher with an unexpired term (search time).

Voucher program. The housing choice voucher program.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (984.103(b)), *welfare assistance* includes only cash maintenance payments from federal or state programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or social security.

**The Housing Authority of the City of Lakeland
Request for Board Action**

1. Describe Board Action Requested and why it is necessary:

Re: Resolution # 15-1416

The Board of Commissioners is requested to approve the above-referenced resolution in order to satisfy a United States Department of Housing and Urban Development regulation.

2. Who is making request:

A. Entity: LHA

B. Project: Signing the *PHA Certification of Compliance with the PHA Plans and Related Regulations*, form 50077

C. Originator: Carlos Pizarro

3. Cost Estimate:

Nominal cost of submittal to the Department of Housing and Urban Development

Narrative:

Annually, the Board of Commissioners of a Public Housing Agency is required to have its Chair (or other authorized official sign) the Department of Housing and Urban Development's *PHA Certification of Compliance with the PHA Plans and Related Regulations*, form 50077, and have staff submit the form to the Department of Housing and Urban Development.

This resolution is to authorize the Chair of the Board of Commissioners of the Housing Authority of the City of Lakeland to sign form 50077 and to direct the Executive Director of the Housing Authority of the City of Lakeland to submit the signed form to the Department of Housing and Urban Development.

Attachments:

- *2016 Agency and 5-Year Plan Preparation Summary*
- *2016 Summary and Notable Changes*

RESOLUTION NO. 15-1416

**APPROVING PHA CERTIFICATIONS OF COMPLIANCE WITH
THE PHA PLANS AND RELATED REGULATIONS**

WHEREAS, Public Housing Agencies are under the regulations set forth in Public and Indian Housing Notice 99-51 and 2001-26 requiring the submittal of Public Housing Agency Plans and related certifications; and

WHEREAS, the United States Department of Housing and Urban Development requires that all Public Housing Agencies submit the *PHA Certification of Compliance with the PHA Plans and Related Regulations*, form 50077; and

WHEREAS, the Housing Authority of the City of Lakeland made modifications to both its *Administration Plan* and its *Admissions and Continued Occupancy Plan*, collectively referred to as the *Agency Plan*; and

WHEREAS, the Housing Authority of the City of Lakeland circulated the 2016 *Agency and 5-Year Plan* to its public housing residents, its Housing Choice Voucher participants, the Resident Advisory Board of the Housing Authority of the City of Lakeland, and other interested parties; and

WHEREAS, the Housing Authority of the City of Lakeland conducted public meetings to obtain the public's input and comments on the 2016 Agency and 5-Year Plan;

NOW THEREFORE, be it resolved by the Board of Commissioners of the Housing Authority of the City of Lakeland that the Board Chairman is authorized to sign the *PHA Certification of Compliance with the PHA Plans and Related Regulations*, form 50077 (attached hereto), which the Executive Director will afterwards submit to the Department of Housing and Urban Development.

CERTIFICATE OF COMPLIANCE

This is to certify that the Board of Commissioners of the Housing Authority of the City of Lakeland has approved and adopted the Resolution No. 15-1416, dated September 21, 2015.

Attested by:



Benjamin Stevenson, Secretary



Michael Pimentel, Chairman

PHA Certifications of Compliance with PHA Plans and Related Regulations	U.S. Department of Housing and Urban Development Office of Public and Indian Housing Expires 4/30/2011
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**PHA Certifications of Compliance with the PHA Plans and Related Regulations:
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or Annual PHA Plan for the PHA fiscal year beginning 2016, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

The Housing Authority of the City of Lakeland

FL011

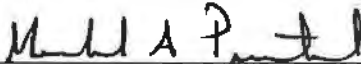
PHA Name

PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 20__ - 20__

Annual PHA Plan for Fiscal Years 20¹⁶ - 20¹⁶

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official Michael Pimentel	Title Chairman
Signature 	Date 09/21/15

**Certification of Payments
to Influence Federal Transactions**

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (Exp. 01/31/2014)

Applicant Name

The Housing Authority of the City of Lakeland FL011

Program/Activity Receiving Federal Grant Funding

The Public Housing and the Housing Choice Voucher Programs

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Benjamin Stevenson

Title

Executive Director

Signature



Date (mm/dd/yyyy)

10/12/2015

**Certification for
a Drug-Free Workplace**

U.S. Department of Housing
and Urban Development

Applicant Name

The Housing Authority of the City of Lakeland FL011

Program/Activity Receiving Federal Grant Funding

The Housing Authority of the City of Lakeland and its entities, communities and programs

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

West Lake Apartments, 501 Hartsell Avenue, Lakeland, FL 33815. John Wright Homes, 2130 Elizabeth Street, Lakeland, FL 33815. Cecil Guber Villas, 2626 N. Florida Avenue, Lakeland, FL 33805. Renaissance at WashingtonRidge, 150 W. 14th Street, Lakeland, FL 33805. Carrington Place (Formerly known as Dakota Park), 1411 Kettles Avenue, Lakeland, FL 33805. The Manor at West Bartow, 850 N. Gordon Avenue, Bartow, FL 33803. The Housing Authority of the City of Lakeland, 430 Hartsell Avenue, Lakeland, FL 33815 and the Section 8 Department, 1818 Harden Blvd. Suite 140, Lakeland, FL 33803

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Benjamin Stevenson

Title

Executive Director

Signature

Date

X




10/12/15

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

Approved by OMB
0348-0046


1. Type of Federal Action: <input checked="" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input checked="" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year <u>2016</u> quarter <u>All</u> date of last report <u>2015</u>
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: The Housing Authority of the City of Lakeland 430 Hartsell Avenue, Lakeland, FL 33815 Congressional District, if known:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: N/A Congressional District, if known:	
6. Federal Department/Agency: The Department of Housing and Urban Development	7. Federal Program Name/Description: The Public Housing and the Housing Choice Voucher CFDA Number, if applicable: _____	
8. Federal Action Number, if known: FL011	9. Award Amount, if known: \$ N/A	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI): N/A	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): N/A	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature:  Print Name: <u>Benjamin Stevenson</u> Title: <u>Executive Director</u> Telephone No.: <u>(863)687-2911</u> Date: <u>10/12/15</u>	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan**

**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/2011**

**Certification by State or Local Official of PHA Plans Consistency with the
Consolidated Plan**

I, Howard Wiggs the Mayor of the City of Lakeland certify that the Five Year and
Annual PHA Plan of the The Housing Authority of the City of Lakeland is consistent with the Consolidated Plan of
The City of Lakeland prepared pursuant to 24 CFR Part 91.

 9/11/2015

Signed / Dated by Appropriate State or Local Official

Attachment A
Lakeland Housing Authority

Annual Plan
Fiscal Year 2016

Comments received from the Residents Advisory Board (RAB)

The Lakeland Housing Authority met with the Residents Advisory Board on July 30, August 17 and September 4, 2015, and certifies that the RAB board has the following comments:

1. End of comments.

**Attachment B
Lakeland Housing Authority**

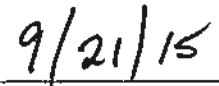
**Annual Plan
Fiscal Year 2016**

Challenged Elements

The Lakeland Housing Authority certifies that there were no challenged elements to the Housing Authority's agency plan.



Benjamin Stevenson, Executive Director



Date

AFFIDAVIT OF PUBLICATION THE LEDGER

Lakeland, Polk County, Florida

LAKELAND HOUSING AUTHORITY

2015 AUG -5 PM 1:08

STATE OF FLORIDA)
COUNTY OF POLK)

Before the undersigned authority personally appeared Michelle L. Reece who on oath says that she is Account Executive for Advertising at The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

PUBLIC NOTICE OF MEETINGS

In the matter of LAKELAND HOUSING AUTHORITY

Concerning FY 2016 AGENCY PLAN

was published in said newspaper in the issues of

7-13; 2015

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signed: Michelle L. Reece
Michelle L. Reece
Advertising Account Executive
Who is personally known to me.

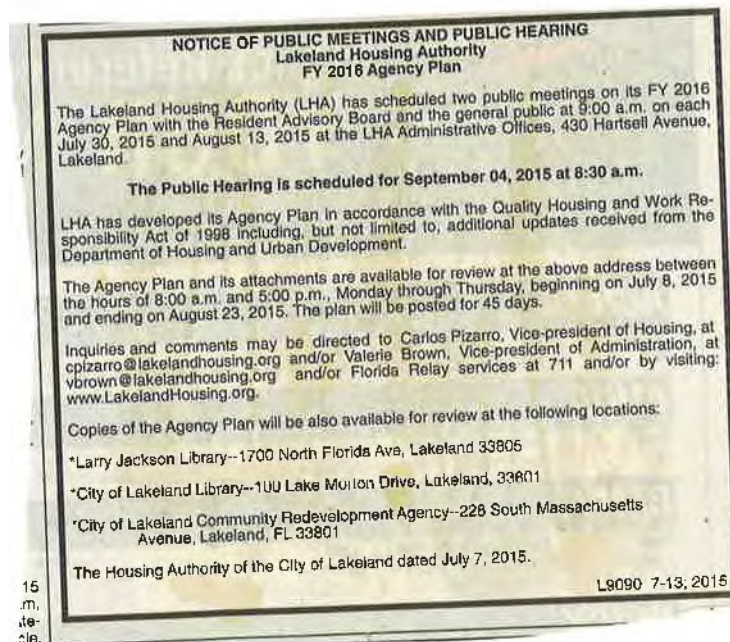
sworn to and subscribed before me this 13th day of July, A.D. 2015

Patricia Ann Rose
Notary Public

(SEAL)



My Commission Expires - October 17, 2016



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Capital Fund Budgets from 2011 to 2016 and Replacement Housing Factor Budgets from 2015 to 2016, the final version of these budgets will be officially transmitted before the HUD deadline in 2016. They are included with the Agency Plan as they were part of the required public notification of 45 days and they are an important part of our agency strategic planning.

Part I: Summary						
PHA Name: Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-11 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2011 FFY of Grant Approval: 2011	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:2) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/2015 <input checked="" type="checkbox"/> Final Performance and Evaluation Report						
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹		
		Revised ¹	Revised ²	Obligated	Expended	
1	Total non-CFP Funds					
2	1406 Operations (may not exceed 20% of line 21) ³	112,596	112,596	112,596	112,596	
3	1408 Management Improvements	70,000	70,000	70,000	70,000	
4	1410 Administration (may not exceed 10% of line 21)	56,298	56,298	56,298	56,298	
5	1411 Audit					
6	1415 Liquidated Damages					
7	1430 Fees and Costs	30,000	30,000	30,000	30,000	
8	1440 Site Acquisition					
9	1450 Site Improvement	25,000	25,000	25,000	25,000	
10	1460 Dwelling Structures	130,000	130,000	130,000	130,000	
11	1465.1 Dwelling Equipment—Nonexpendable	5,000	5,000	5,000	5,000	
12	1470 Non-dwelling Structures	40,000	40,000	40,000	40,000	
13	1475 Non-dwelling Equipment	94,086	94,086	94,086	94,086	
14	1485 Demolition					
15	1492 Moving to Work Demonstration					
16	1495.1 Relocation Costs					
17	1499 Development Activities ⁴					

¹ To be completed for the Performance and Evaluation Report.


² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary						
PHA Name: Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-11 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2011 FFY of Grant Approval: 2011	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:2) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/2015 <input checked="" type="checkbox"/> Final Performance and Evaluation Report						
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹		
		Revised ¹	Revised ²	Obligated	Expended	
18a	1501 Collateralization or Debt Service paid by the PHA					
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment					
19	1502 Contingency (may not exceed 8% of line 20)					
20	Amount of Annual Grant:: (sum of lines 2 - 19)	562,980	562,980	562,980	562,980	
21	Amount of line 20 Related to LBP Activities					
22	Amount of line 20 Related to Section 504 Activities					
23	Amount of line 20 Related to Security - Soft Costs					
24	Amount of line 20 Related to Security - Hard Costs					
25	Amount of line 20 Related to Energy Conservation Measures					
Signature of Executive Director			Signature of Public Housing Director			
Date 7/30/2015			Date			
						

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

PHA Name: Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-11 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2011 FFY of Grant Approval: 2011			
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revised ¹	Revised ²	Funds Obligated ²	Funds Expended ²	
PHA -Wide	<u>Operations</u>	1406	Lump Sum	<u>112,596</u>	<u>112,596</u>	<u>112,596</u>	<u>112,596</u>	In Progress
PHA -Wide	Management Improvement - Record retention systems including scanners, plan scanning and digitizing	1408	Lump Sum	5,000	-0-	-0-	-0-	In Progress
PHA -Wide	Hand held maintenance devices, software & training	1408	Lump Sum	5,000	-0-	-0-	-0-	In Progress
PHA -Wide	Training for Certification of maintenance staff	1408	Lump Sum	5,000	-0-	-0-	-0-	In Progress
PHA -Wide	Desktop and Server software upgrades & training	1408	Lump Sum	55,000	70,000	70,000	70,000	In Progress
	<u>TOTAL Management Improvements</u>	1408		<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	In Progress
PHA -Wide	<u>Administration</u>	1410	Lump Sum	<u>56,298</u>	<u>56,298</u>	<u>56,298</u>	<u>56,298</u>	In Progress
PHA -Wide	<u>A&E Fess associated with capital programs</u>	1430	Lump Sum	<u>30,000</u>	<u>30,000</u>	<u>30,000</u>	<u>30,000</u>	In Progress
AMP- 1 FL-11011004 West Lake Addition	Dwelling Structures - Replacement of HVAC units	1460	10 Units 1 Unit	61,000	1,300	1,300	1,300	In Progress
AMP- 1 FL-11011002 West Lake	Dwelling Structures – Replacement of floor finishes	1460	10 Units	4,000	-0-	-0-	-0-	In Progress
AMP -1- FL-011006 Cecil Gober	Dwelling Structures – Roof Replacement	1460	11 Bldgs.	40,000	-0-	-0-	-0-	In Progress
AMP -1- FL-011006 Cecil Gober	Dwelling Structures – Exterior Repairs including siding, fascia and other trim	1460	11 Bldgs.	25,000	4,952	4,952	4,952	In Progress
AMP- 1 FL-11011002 West Lake	Dwelling Structures – Rehab Unit	1460	1 Unit	-0-	10,231	10,231	10,231	In Progress
AMP- 1 FL-11011002 West Lake	Dwelling Structures – Roof Replacement	1460		-0-	58,534	58,534	58,534	In Progress

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

Part II: Supporting Pages								
PHA Name: Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-11 CFPP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2011 FFY of Grant Approval: 2011		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revised ¹	Revised ²	Funds Obligated ²	Funds Expended ²	
AMP- 1 FL-11011002 West Lake	Dwelling Structures – Replace electrical panels at West Lake	1460		0	3,284	3,284	3,284	In Progress
AMP-1 FL-011006 John Wright	Dwelling Structures – Complete rehab of John Wright	1460	Lump Sum	0	51,699	51,699	51,699	In Progress
AMP -2- Dakota Park	Exterior improvements to stairways and entry doors, Painting & Waterproofing	1460	2 Bldgs.	0	0	0	0	In Progress
	TOTAL DWELLING STRUCTURES	1460		130,000	130,000	130,000	130,000	In Progress
AMP- 1 FL-11011002 West Lake	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection, parking area repair & surfacing	1450	Lump Sum	12,500	4,909.06	4,909.06	4,909.06	In Progress
AMP- 1 FL-11011004 West Lake Addition	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection, parking area repair & surfacing	1450	Lump Sum	12,500	4,909.06	4,909.06	4,909.06	In Progress
AMP 1 – LHA Admin. Building	Site Improvements –Pave central office parking lot	1450	Lump Sum	0	3,188	3,188	3,188	In Progress
AMP 1 – LHA Admin. Building	Installation of conduit encased in concrete and re-route 4” piping around generator pad for back-up electrical system	1450	Lump Sum	0	785.50	785.50	785.50	In Progress
AMP 3 - Renaissance	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection, parking area repair & surfacing, and striping				5,248	5,248	5,248	In Progress
AMP 1- FL-011006 Cecil Gober	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection, parking area repair & surfacing, and striping	1450	Lump Sum	0	5,960.38	5,960.38	5,960.38	In Progress
	TOTAL Site Improvements	1450		25,000	25,000	25,000	25,000	In Progress

Part II: Supporting Pages								
PHA Name: Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-11 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2011 FFY of Grant Approval: 2011		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revised ¹	Revised ²	Funds Obligated ²	Funds Expended ²	
AMP- 1 FL-11011002 West Lake	Dwelling Equipment—Kitchen Appliance	1465.1	7 Units	5,000	5,000	5,000	5,000	In Progress
AMP- 1 FL-11011004 West Lake Addition	Non-Dwelling Structures – Leasing office modifications to improve accessibility	1470	Lump Sum	5,000	0	0	0	In Progress
Central Office	Non-Dwelling Structures – Modifications to Central Office for improved accessibility & roof repair	1470	Lump Sum	35,000	37,980	37,980	37,980	In Progress
AMP-1 FL-011006 John Wright	Non-Dwelling Structures – Storage Shed for Equipment	1470	Lump Sum	-0-	2,020	2,020	2,020	In Progress
	TOTAL Non-Dwelling Structures	1470		40,000	40,000	40,000	40,000	In Progress
AMP- 1 FL-11011002 West Lake	Non-Dwelling Equipment - Security Cameras	1475	Lump Sum	12,000	0	0	0	In Progress
PHA-Wide	Workstation Upgrades	1475	Lump Sum	60,086	4,623.55	4,623.55	4,623.55	In Progress
AMP 1 - LHIA Admin. Building	Servers	1475	Lump Sum	0	9,437.45	9,437.45	9,437.45	In Progress
PHA-Wide	Non-Dwelling Equipment - Maintenance Vehicles	1475	Lump Sum	18,000	58,070	58,070	58,070	In Progress
PHA-Wide	Non-Dwelling Equipment -HVAC Repair Tools & Equipment	1475	Lump Sum	4,000	7,195	7,195	7,195	In Progress
AMP-1 FL-011006 John Wright	Non-Dwelling Equipment - Playground Equipment	1475	Lump Sum	-0-	14,760	14,760	14,760	In Progress
	TOTAL Non-Dwelling Equipment	1475		94,086	94,086	94,086	94,086	In Progress

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

Part I: Summary					
PIA Name: FL011 Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-12 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant: 2012 FFY of Grant Approval: 2012
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 2) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/2015 <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Revised ¹	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	65,483	65,483	65,483	65,483
3	1408 Management Improvements	30,000	30,000	15,964	15,964
4	1410 Administration (may not exceed 10% of line 21)	32,741	32,741	32,741	32,741
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	35,000	35,000	35,000	35,000
8	1440 Site Acquisition				
9	1450 Site Improvement	4,100	4,100	4,100	4,100
10	1460 Dwelling Structures	29,688	29,688	29,688	29,688
11	1465.1 Dwelling Equipment—Nonexpendable	13,555.53	13,555.53	13,555.53	13,555.53
12	1470 Non-dwelling Structures	63,924.10	63,924.10	63,924.10	63,924.10
13	1475 Non-dwelling Equipment	52,922.37	52,922.37	45,101.18	45,101.18
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Part II: Supporting Pages								
PHA Name: FL011 Lakeland I Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-12 CFPP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2012 FFY of Grant Approval: 2012		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revision 1	Revised 2	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406	Lump Sum	<u>65,483</u>	<u>65,483</u>	<u>65,483</u>	<u>65,483</u>	In Progress
PHA -Wide	Training for Certification of maintenance staff	1408	Lump Sum	15,000	14,036			In Progress
PHA -Wide	Training for Certification of administrative staff	1408	Lump Sum	15,000	15,964	15,964	15,964	In Progress
	TOTAL Management Improvements	1408		<u>30,000</u>	<u>30,000</u>	<u>15,964</u>	<u>15,964</u>	In Progress
PHA-Wide	Administration	1410	Lump Sum	<u>32,741</u>	<u>32,741</u>	<u>32,741</u>	<u>32,741</u>	In Progress
PHA-Wide	A&F Fess associated with capital programs	1430	Lump Sum	15,000	15,000	15,000	15,000	In Progress
PIIA-Wide	Green Physical Needs Assessments	1430	Lump Sum	20,000	20,000	20,000	20,000	In Progress
PHA-Wide	TOTAL Fees and Costs	1430		<u>35,000</u>	<u>35,000</u>	<u>35,000</u>	<u>35,000</u>	In Progress
AMP 2 --Dakota Park	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection	1450	Lump Sum	0	0			
AMP 3 Renaissance	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection	1450	Lump Sum	0	0			

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-12 CFPP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2012 FFY of Grant Approval: 2012		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revision 1	Revised ²	Funds Obligated ²	Funds Expended ²	
AMP 1 -Cecil Gober	Site Improvements including sidewalk repair, landscaping & fence replacement	1450	Lump Sum	0	0			
AMP 1 - Westlake	Restriping the Parking Lots	1450	Lump Sum	4,100	4,100	4,100	4,100	In Progress
AMP 1 - Westlake	Site Improvements – ADA exterior route to residential unit including parking	1450	1 Each	0	0			
	TOTAL Site Improvements	1450		4,100	4,100	4,100	4,100	In Progress
AMP 1 - Cecil Gober	Dwelling Structures – Replacement of Water Lines	1460	5 Units	0	0			
AMP 3 - Renaissance	Dwelling Structures – roofs and structural repairs	1460	Lump Sum	1,788	1,788	1,788	1,788	In Progress (Emergency)
AMP 3 Renaissance	Dwelling Structures – water damage repairs	1460	Lump Sum	5,000	5,000	5,000	5,000	In Progress (Emergency)
AMP 1 - Cecil Gober	Dwelling Structures – Renovations to unit interiors including cabinets, doors, floor covering and other finishes	1460	5 Units	0	0			
AMP 1 - Westlake	Dwelling Structures- ADA modifications to unit	1460	1 Each	0	0			
AMP 1 - John Wright	Dwelling Structures – hearing impaired apartment improvements	1460	1 Unit	0	0			
AMP 1 - Westlake	Dwelling Structures – breaker panel 100 amps residential	1460	12 Each	5,400	5,400	5,400	5,400	In Progress
AMP 2- Dakota Park	Exterior improvements to stairways and entry doors, Painting & Waterproofing	1460	6 Bldgs.	17,500	17,500	17,500	17,500	In Progress
	TOTAL DWELLING STRUCTURES	1460		29,688	29,688	29,688	29,688	In Progress

Part II: Supporting Pages								
PHA Name: FL 011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-12 CFPP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant: 2012		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revision 1	Revised ²	Funds Obligated ²	Funds Expended ²	

AMP 1 - Westlake	Dwelling Equipment – Appliances	1465.1	LS	13,555.53	13,555.53	13,555.53	13,555.53	In Progress
AMP 1 LHA Admin. Bldg.	Non-Dwelling Structures - Modifications for accessibility & security	1470	Lump Sum	28,103.84	28,103.84	28,103.84	28,103.84	In Progress
AMP1 LHA Admin. Bldg.	Non-Dwelling Structures roof repairs (Water Infiltration)	1470	Lump Sum	35,820.26	35,820.26	35,820.26	35,820.26	In Progress (Emergency)
	TOTAL Non-Dwelling Structures	1470		63,924.10	63,924.10	63,924.10	63,924.10	In Progress
AMP 3 – Renaissance	Non-Dwelling Equipment - Security Cameras & Entry systems	1475	Lump Sum	21,668.78	21,668.78	21,668.78	21,668.78	In Progress
AMP 1 – John Wright	Non-Dwelling Equipment - Security Cameras	1475	Lump Sum	0	0			
PHA-Wide	Workstation upgrades	1475	Lump Sum	3,262.59	3,262.59	3,262.59	3,262.59	In Progress
PHA-Wide	Non-Dwelling Equipment – Maintenance Vehicles	1475	Lump Sum	27,991	0	0	0	In Progress
AMP 1 – LHA Admin Bldg.	Servers	1475	Lump Sum	0	20,169.81	20,169.81	20,169.81	In Progress
PHA-Wide	Non-Dwelling Equipment -Emergency Generators	1475	Lump Sum	0	7,821.19	0	0	In Progress
	TOTAL Non-Dwelling Equipment	1475		52,922.37	52,922.37	45,101.18	45,101.18	In Progress

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary	
PHA Name: FL011 Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: FL14P011501-13 Replacement Housing Factor Grant No: Date of CFFP:
FFY of Grant: 2013 FFY of Grant Approval: 2013	

Type of Grant	<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no:2) <input type="checkbox"/> Final Performance and Evaluation Report
<input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/2015	

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Revised ¹	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	50,307.00	50,307.00	50,307.00	50,307.00
3	1408 Management Improvements	10,000.00	10,000.00	5,430.67	5,430.67
4	1410 Administration (may not exceed 10% of line 21)	25,153.00	25,153.00	25,153.00	25,153.00
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	35,175.58	35,261.44	34,986.51	18,916.51
8	1440 Site Acquisition				
9	1450 Site Improvement	29,930.42	10,953.42	5,000.00	5,000.00
10	1460 Dwelling Structures	75,192.26	75,192.26	75,192.26	64,700.00
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures	2,779.74	2,779.74	2,779.74	2,779.74
13	1475 Non-dwelling Equipment	8,000.00	35,677.00		
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	15,000.00	6,214.14	6,214.14	6,214.14
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.


² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RIF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary					
PHA Name: FL011 Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-13 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2013 FFY of Grant Approval: 2013	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no:2) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/2015 <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Revised ¹	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	251,538	251,538	205,063.32	178,501.06
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director			Date: 7/30/2015		Signature of Public Housing Director
					Date

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-13 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2013 FFY of Grant Approval: 2013		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revised ¹	Revised ²	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406	Lump Sum	<u>50,307</u>	<u>50,307</u>	<u>50,307</u>	<u>50,307</u>	In Progress
PIIA -Wide	Training for Certification of maintenance staff	1408	Lump Sum	5,000	4,569.33			
PHA -Wide	Training for Certification of administrative staff	1408	Lump Sum	5,000	5,430.67	5,430.67	5,430.67	In Progress
	TOTAL Management Improvements	1408		<u>10,000</u>	<u>10,000</u>	<u>5,430.67</u>	<u>5,430.67</u>	In Progress
PHA-Wide	Administration	1410	Lump Sum	<u>25,153</u>	<u>25,153</u>	<u>25,153</u>	<u>25,153</u>	In Progress
PHA-Wide	A&E Fess associated with capital programs	1430	Lump Sum	16,259.07	16,344.93	16,070.00		In Progress
PHA-Wide	Green Physical Needs Assessments	1430	Lump Sum	18,916.51	18,916.51	18,916.51	18,916.51	In Progress
PHA-Wide	TOTAL Fees and Costs	1430		<u>35,175.58</u>	<u>35,261.44</u>	<u>34,986.51</u>	<u>18,916.51</u>	In Progress
AMP 2 -Dakota Park	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection	1450	Lump Sum	5,000	0.00			
AMP 3 - Renaissance	Site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection	1450	Lump Sum	5,000	5,953.42			

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-13 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2013 FFY of Grant Approval: 2013		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revised ¹	Revised ²	Funds Obligated ²	Funds Expended ²	
AMP 1 – John Wright	Site Improvements – asphalt repairs	1450	Lump Sum	5,000.00	5,000.00	5,000.00	5,000.00	In Progress
AMP 1- Cecil Gober	Site Improvements including sidewalk repair & landscaping	1450	Lump Sum	14,930.42	0.00	0.00	0.00	In Progress
	TOTAL Site Improvements	1450		29,930.42	10,953.42	5,000.00	5,000.00	In Progress
AMP 1- Cecil Gober	Dwelling Structures – Replacement of Water Lines	1460	5 Units	7,200.00	0.00			
AMP 1- Cecil Gober	Dwelling Structures – Renovations to unit interiors including cabinets, doors, floor covering and other finishes	1460	5 Units	0.00	0.00			
AMP 4 Hampton Hills	Dwelling Structures - Kitchen Restoration	1460	Lump Sum	9,975.00	9,975.00	9,975.00	9,975.00	In Progress
AMP 1 – Westlake	Dwelling Structures – replace fan coil units	1460	4 Each	3,292.26	0.00	0.00	0.00	In Progress
AMP 1 - Westlake	Dwelling Structures – Asphalt shingles, removal and replacement	1460	64 SF	54,725.00	65,217.26	65,217.26	54,725.00	In Progress
	TOTAL DWELLING STRUCTURES	1460		75,192.26	75,192.26	75,192.26	64,700.00	In Progress
-AMP 1 – LHA Admin. Bldg.	Non-Dwelling Structures – roof repairs and interior modifications	1470	1	2,779.74	2,779.74	2,779.74	2,779.74	In Progress
	TOTAL Non-Dwelling Structures	1470		2,779.74	2,779.74	2,779.74	2,779.74	In Progress
PIIA-Wide	Workstation upgrades	1475	Lump Sum	3,000.00	0.00	0.00	0.00	In Progress
PHA-Wide	Non-Dwelling Equipment - Maintenance Vehicles	1475	Lump Sum	0.00	0.00	0.00	0.00	In Progress

Part II: Supporting Pages								
PHA Name: FL 011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-13 CFFP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant: 2013		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Revised ¹	Revised ²	Funds Obligated ²	Funds Expended ²	
AMP 1 – LIIA Admin Building	Replace existing HVAC system (condensing units and air handler)	1475	Lump Sum	0	18,977			In Progress
PHA-Wide	Non-Dwelling Equipment -Emergency Generator	1475	1	5,000.00	16,700			
	<u>TOTAL Non-Dwelling Equipment</u>	1475		8,000	35,677			In Progress
Amp 2- Dakota Park	Relocation of Residents	1495.1	Lump Sum	15,000	6,214.14	6,214.14	6,214.14	In Progress
	<u>TOTAL Relocation Costs</u>	1495.1		15,000	6,214.14	6,214.14	6,214.14	In Progress

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary		
PIA Name: FL011 Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: FL14P011501-14 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2014 FFY of Grant Approval: 2014


Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no: 1)
 Performance and Evaluation Report for Period Ending: 6/30/2015 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ¹	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	68,200	68,200		
3	1408 Management Improvements	10,726	10,726		
4	1410 Administration (may not exceed 10% of line 21)	34,100	34,100		
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	15,000	15,000		
8	1440 Site Acquisition				
9	1450 Site Improvement	50,000	50,000	2,756.62	
10	1460 Dwelling Structures	114,978	93,418.51	21,208.51	12,768
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures	5,000	5,000		
13	1475 Non-dwelling Equipment	28,000	64,559.49	5,316.14	4,035.50
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	15,000	0		
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
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⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary					
PIA Name: FL011 Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-14 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2014 FFY of Grant Approval: 2014	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 1) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 6/30/2014 <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ¹	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PIA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 - 19)	\$341,004	\$341,004	29,281.27	16,803.50
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director 			Date: 7/30/2015		Signature of Public Housing Director
					Date

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHIF funds shall be included here.

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-14 CFPP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2014 FFY of Grant Approval: 2014		
Development Number Name/PIIA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PIIA-Wide	Operations	1406	Lump Sum	68,200	68,200			
PHA -Wide	Training for Certification of maintenance staff	1408	Lump Sum	5,363	5,363			
PHA -Wide	Training for Certification of administrative staff	1408	Lump Sum	5,363	5,363			
	TOTAL Management Improvements	1408		10,726	10,726			
PIIA-Wide	Administration	1410	Lump Sum	34,100	34,100			
PIIA-Wide	A&E Fees associated with capital programs	1430	Lump Sum	15,000	15,000			
AMP 2 -Dakota Park	Continue with site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection	1450	Lump Sum	5,000	5,000			
AMP 3 Renaissance	Continue with site Improvements including landscaping, sidewalk repair/replacement, signage, tree pruning for hurricane protection, parking area repair and resurfacing	1450	Lump Sum	5,000	5,000	2,756.62		In Progress

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-14 CFPP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2014 FFY of Grant Approval: 2014		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
AMP -1- FL-011006 Cecil Gober	504 Site Improvements including sidewalk repair & landscaping	1450	Lump Sum	40,000	40,000			
	TOTAL Site Improvements	1450		50,000	50,000	2,756.62		In Progress
AMP -1- FL-011006 Cecil Gober	Dwelling Structures – Continue with the replacement of Water Lines	1460	5 Units	7,500	7,500			
AMP -1- FL-011006 Cecil Gober	Dwelling Structures – Renovations to unit interiors including cabinets, doors, floor covering and other finishes with RAD	1460	5 Units	67,478	54,710			
AMP 1 - WestLake	Dwelling Structures – Asphalt shingles, removal and replacement	1460	20 SF	0	8,440.51	8,440.51	0.00	In Progress
AMP 3 – Renaissance	Window Replacement	1460	14 EA	10,000	10,000			
AMP 2 –Dakota Park	Termite treatment	1460	6 Bldgs.	30,000	12,768	12,768	12,768	In Progress
	TOTAL DWELLING STRUCTURES	1460		114,978	93,418.51	21,208.51	12,768	In Progress
PHA -Wide	Non-Dwelling Structures – Maintenance of the Main Office Building	1470	1	5,000	5,000			
	TOTAL Non-Dwelling Structures	1470		5,000	5,000			
PHA-Wide	Workstation upgrades	1475	Lump Sum	8,000	8,000			
PHA-Wide	Non-Dwelling Equipment – Security Cameras	1475	Lump Sum	15,000	15,000	5,316.14	4,035.50	In Progress
PHA-Wide	Non-Dwelling Equipment - Maintenance Vehicles	1475	Lump Sum	0	0			
AMP 1 – LHA Admin Building	Non-Dwelling Equipment – Emergency Generator	1475	Lump Sum	0	\$41,559.49			
PHA-Wide	Non-Dwelling Equipment -new server for the computer system	1475	1	5,000	0			
	TOTAL Non-Dwelling Equipment	1475		28,000	64,559.49	5,316.14	4,035.50	In Progress

Part II: Supporting Pages								
PIIA Name: FL 011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-14 CFFP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant: 2014		
Development Number Name/PIIA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA Wide	Relocations	1490.1	N/A	15,000	0			

Part I: Summary	
PHA Name: FL011 Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: FL14P011501-15 Replacement Housing Factor Grant No: Date of CFFP:
FFY of Grant: 2015 FFY of Grant Approval: 2015	

Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no: 1)
 Performance and Evaluation Report for Period Ending: Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original (Estimated)	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	68,200			
3	1408 Management Improvements	55,292			
4	1410 Administration (may not exceed 10% of line 21)	34,100			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	15,000			
8	1440 Site Acquisition				
9	1450 Site Improvement	50,000			
10	1460 Dwelling Structures	74,983			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures	5,069			
13	1475 Non-dwelling Equipment	24,724			
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	18,207			
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary					
PHA Name: FL011 Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-15 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant: 2015 FFY of Grant Approval: 2015	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 1) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original (Estimated)	Revised ¹	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$345,575			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director			Signature of Public Housing Director		
Date:			Date		

¹ To be completed for the Performance and Evaluation Report.

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³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-15 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2015 FFY of Grant Approval: 2015		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406	Lump Sum	68,200				
PHA -Wide	Training for Certification of maintenance staff	1408	Lump Sum	5,000				
PHA -Wide	Training for Certification of administrative staff	1408	Lump Sum	5,000				
	Improvements to Financial and Accounting Control Systems	1408	Lump Sum	29,100				
	Resident Job Training	1408	Lump Sum	11,192				
	Resident Business Development	1408	Lump Sum	0				
	Technical Assistance to Resident Council	1408	Lump Sum	2,000				
	Computer Purchases	1408	Lump Sum	3,000				
	Formation of a Resident Management Company	1408	Lump Sum	0				
	Training of RMC Board	1408	Lump Sum	0				
	TOTAL Management Improvements	1408		55,292				
PHA-Wide	Administration	1410	Lump Sum	34,100				
PHA-Wide	A&E Fess associated with capital programs	1430	Lump Sum	15,000				
AMP 2 –Dakota Park	Irrigation system, replace large areas	1450	7,500 SF	18,750				
AMP 1 – Westlake	Masonry dumpster enclosure, install	1450	2 EA	13,050				

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-15 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2015 FFY of Grant Approval: 2015		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
AMP -1- FL-011006 Cecil Gober	Replace cast iron pipe 6"	1450	250 LF	18,200				
	TOTAL Site Improvements	1450		50,000				
AMP -1- FL-011006 Cecil Gober	Blown in Cellulose Attic Insulation R-19	1460	23,805 SF	22,615				
AMP -1- FL-011006 Cecil Gober	Replace Residential Grade water closet w/1.6 GPF unit	1460	37 EA	16,539				
AMP 3 – Renaissance	Window Replacement	1460	14 EA	10,000				
AMP 1 – FL-011006 – Cecil Gober	Replace countertop, sink, and faucet	1460	37 EA	25,829				
	TOTAL DWELLING STRUCTURES	1460		74,983				
AMP 3 – Renaissance	Blow in Cellulose Attic Insulation (Community Center)	1470	3,500 SF	3,325				
AMP 1 – FL-011006 – Cecil Gober	Blown in Cellulose Attic Insulation R-13	1470	1,875 SF	1,744				
	TOTAL Non-Dwelling Structures	1470		5,069				
PHA-Wide	Workstation upgrades	1475	Lump Sum	8,000				
AMP 1 – FL-011006 – Cecil Gober	Split system unit, 3 ton, replace condenser and fan coil (Community Center)	1475	2 EA	15,000				
AMP 3 – Renaissance	Buzzer/intercom at exterior door, install (Community Center)	1475	1 EA	1,724				
	TOTAL Non-Dwelling Equipment	1475		24,724				

Part II: Supporting Pages								
PHA Name: FL 011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-15 CFFP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant: 2015		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	

PHA Wide	Relocations	1490.1	N/A	18,207				

Part I: Summary	
PHA Name: FL011 Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: FL14P011501-16 Replacement Housing Factor Grant No: Date of CFFP:
FFY of Grant: 2016 FFY of Grant Approval: 2016	

Type of Grant
 Original Annual Statement **Reserve for Disasters/Emergencies** **Revised Annual Statement (revision no:)**
 Performance and Evaluation Report for Period Ending: **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original (Estimated)	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	68,200			
3	1408 Management Improvements	35,482			
4	1410 Administration (may not exceed 10% of line 21)	34,100			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	34,810			
8	1440 Site Acquisition				
9	1450 Site Improvement	50,000			
10	1460 Dwelling Structures	74,983			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures	5,069			
13	1475 Non-dwelling Equipment	24,724			
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs	18,207			
17	1499 Development Activities ⁴				

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⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary					
PHA Name: FL011 Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: FL14P011501-16 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2016 FFY of Grant Approval: 2016			
Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original (Estimated)	Revised ¹	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$345,575			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
Signature of Executive Director			Signature of Public Housing Director		
Date:			Date		

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Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-16 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2016 FFY of Grant Approval: 2016		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
PHA-Wide	Operations	1406	Lump Sum	68,200				
PHA -Wide	Training for Certification of maintenance staff	1408	Lump Sum	\$5,000				
PHA -Wide	Training for Certification of administrative staff	1408	Lump Sum	\$5,000				
	Improvements to Financial and Accounting Control Systems	1408	Lump Sum	\$5,000				
	Resident Job Training	1408	Lump Sum	\$15,482				
	Resident Business Development	1408	Lump Sum	\$0				
	Technical Assistance to Resident Council	1408	Lump Sum	\$2,000				
	Computer Purchases	1408	Lump Sum	\$3,000				
	Formation of a Resident Management Company	1408	Lump Sum	\$0				
	Training of RMC Board	1408	Lump Sum	\$0				
	TOTAL Management Improvements	1408		35,482				
PHA-Wide	Administration	1410	Lump Sum	34,100				
PHA-Wide	A&E Fess associated with capital programs	1430	Lump Sum	34,810				
AMP 2 –Dakota Park	Irrigation system, replace large areas	1450	7,500 SF	18,750				
AMP 1 – Westlake	Masonry dumpster enclosure, install	1450	2 EA	13,050				

Part II: Supporting Pages								
PHA Name: FL011 Lakeland Housing Authority			Grant Type and Number Capital Fund Program Grant No: FL14P011501-16 CFFP (Yes/ No): Replacement Housing Factor Grant No:			FFY of Grant: 2016 FFY of Grant Approval: 2016		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
AMP -1- FL-011006 Cecil Gober	Replace cast iron pipe 6"	1450	250 LF	18,200				
	TOTAL Site Improvements	1450		50,000				
AMP -1- FL-011006 Cecil Gober	Blown in Cellulose Attic Insulation R-19	1460	23,805 SF	22,615				
AMP -1- FL-011006 Cecil Gober	Replace Residential Grade water closet w/1.6 GPF unit	1460	37 EA	16,539				
AMP 3 – Renaissance	Window Replacement	1460	14 EA	10,000				
AMP 1 – FL-011006 – Cecil Gober	Replace countertop, sink, and faucet	1460	37 EA	25,829				
	TOTAL DWELLING STRUCTURES	1460		74,983				
AMP 3 – Renaissance	Blow in Cellulose Attic Insulation (Community Center)	1470	3,500 SF	3,325				
AMP 1 – FL-011006 – Cecil Gober	Blown in Cellulose Attic Insulation R-13	1470	1,875 SF	1,744				
	TOTAL Non-Dwelling Structures	1470		5,069				
PHA-Wide	Workstation upgrades	1475	Lump Sum	8,000				
AMP 1 – FL-011006 – Cecil Gober	Split system unit, 3 ton, replace condenser and fan coil (Community Center)	1475	2 EA	15,000				
AMP 3 – Renaissance	Buzzer/intercom at exterior door, install (Community Center)	1475	1 EA	1,724				
	TOTAL Non-Dwelling Equipment	1475		24,724				

Part II: Supporting Pages								
PHA Name: FL 011 Lakeland Housing Authority		Grant Type and Number Capital Fund Program Grant No: FL14P011501-16 CFFP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant: 2016			
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	

PHA Wide	Relocations	1490.1	N/A	18,207				

Part I: Summary	
PHA Name: Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: FL14R011501-15 Date of CFFP:
FFY of Grant: 2015 FFY of Grant Approval: 2015	

Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no:1)
 Performance and Evaluation Report for Period Ending: Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴	\$187,612			

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Part I: Summary					
PHA Name: Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: FL14R011501-15 Date of CFFP:	FFY of Grant:2015 FFY of Grant Approval: 2015			
Type of Grant					
<input type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input checked="" type="checkbox"/> Revised Annual Statement (revision no: 1)	
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:			<input type="checkbox"/> Final Performance and Evaluation Report		
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$187,612			
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
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Signature of Executive Director			Signature of Public Housing Director		
Date			Date		

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Part I: Summary	
PHA Name: Lakeland Housing Authority	Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: FL14R011501-16 Date of CFFP:
FFY of Grant: 2016 FFY of Grant Approval: 2016	

Type of Grant
 Original Annual Statement **Reserve for Disasters/Emergencies** **Revised Annual Statement (revision no: _____)**
 Performance and Evaluation Report for Period Ending: **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
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Type of Grant					
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (revision no:)	
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Final Performance and Evaluation Report			
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**BOARD OF
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Benjamin J. Stevenson
Executive Director

430 Hartsell Ave
Lakeland, FL 33815

MAIN OFFICE

Phone: (863) 687-2911
Fax: (863) 413-2976

www.LakelandHousing.org

July 30, 2015

Ellis Henry, Director
U.S. Department of Housing and Urban Development
Office of Public Housing
Charles Bennett Federal Building
400 West Bay Street, Suite 1015
Jacksonville, FL 32202-4410

**RE: Performance and Evaluation Reports for Period Ending 6/30/2015
Lakeland Housing Authority (FL011)**

Dear Mr. Henry:

Enclosed for your approval are the Performance and Evaluation Reports for Period Ending 6/30/2015. Included with the transmission are reports for CFP 2011 – 2014. Please note that we do not have proposed revisions to the CFP 2015 grant at this time. Do not hesitate to have staff contact Valerie Brown if you have questions or require additional information regarding the reports. Ms. Brown can be reached at (863) 687-2911, x1997.

Sincerely,

Benjamin Stevenson
Executive Director

**Cc: Robert Caravello
Valerie Brown
Project Files**

Enclosures