

**Introduction**

**ABOUT THE REFERENCES CITED IN THE MODEL ADMINISTRATIVE PLAN**

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**GLOSSARY**

APPENDIX A.	Reasonable Accommodation Policy
APPENDIX B.	Limited English Proficient Policy
APPENDIX C.	Civil Rights and Disability Rights
APPENDIX D.	Effective Communication Policy
APPENDIX E.	Affirmative Furthering Fair Marketing Policy
APPENDIX F.	Ethics Policy
APPENDIX G.	HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act
APPENDIX H.	HUD-5381, SNRHA's Emergency Transfer Plan
APPENDIX I.	HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documents

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## **Introduction**

### **ABOUT THE REFERENCES CITED IN THE ADMINISTRATIVE PLAN**

#### **AUTHORITIES IN THE ADMINISTRATIVE PLAN**

Authority for Public Housing Agency (PHA) policies is derived from many sources. Primary among these sources are regulations and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal regulations. In the absence of legal requirements or HUD guidance, industry practice may lead to PHA policy.

#### **HUD**

HUD provides the primary source of PHA policy through federal regulations, HUD Notices, and handbooks. Compliance with federal regulations, current HUD Notices, and HUD handbooks is mandatory.

HUD provides non-mandatory guidance to PHAs through HUD published guidebooks. Expired HUD Notices and handbooks also provide guidance for PHA policy. Following HUD guidance is optional, as long as PHA policies comply with federal law, federal regulations, and mandatory policy. Because HUD has already determined the guidance it provides is consistent with mandatory policies, PHA reliance on HUD guidance provides the PHA with a "safe harbor."

Content contained on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations to a specific pattern.

#### **State Law**

Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the PHA should follow the state law.

#### **Industry Practice**

Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. An industry practice is a way of doing things that is followed by most housing authorities.

#### **RESOURCES CITED IN THE ADMINISTRATIVE PLAN**

The administrative plan cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the administrative plan may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the administrative plan and a list of references and document locations that are referenced in the administrative plan or that may be helpful to you.

## Abbreviations

Throughout the administrative plan, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited in the administrative plan.

<b>Abbreviation</b>	<b>Document</b>
CFR	Code of Federal Regulations
HCVGB	Housing Choice Voucher Program Guidebook (7420.10G), April
HUD-50058 IB	HUD-50058 Instruction Booklet
RHIIP FAQs	Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions.
VG	PIH Notice 2004-01 Verification Guidance, March 9, 2004.
HB 4350.3	Occupancy Requirements of Subsidized Multifamily Housing Programs

## Resources and Where to Find Them

Following is a list of resources helpful to the PHA or referenced in the administrative plan, and the online location of each.

<b>Document and Location</b>
Code of Federal Regulations <a href="https://www.ecfr.gov">https://www.ecfr.gov</a>
Earned Income Disregard FAQ <a href="https://www.hud.gov/program_offices/public_indian_housing/phr/about/ao_faq_eid">https://www.hud.gov/program_offices/public_indian_housing/phr/about/ao_faq_eid</a>
Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule <a href="http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf">http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf</a>
Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data <a href="https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF">https://www.hud.gov/sites/documents/EIVSECGUIDEPHA.PDF</a>
Executive Order 11063 <a href="https://www.archives.gov/federal-register/codification/executive-order/11063.html">https://www.archives.gov/federal-register/codification/executive-order/11063.html</a>
Federal Register <a href="https://www.federalregister.gov/">https://www.federalregister.gov/</a>
Housing Choice Voucher Program Guidebook (7420.10G), Updated Chapters <a href="https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook">https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook</a>
HUD-50058 Instruction Booklet <a href="http://portal.hud.gov/hudportal/documents/huddoc?id=50058i.pdf">http://portal.hud.gov/hudportal/documents/huddoc?id=50058i.pdf</a>

<p>Joint Statement of the Department of Housing and Urban Development and the Department of Justice, issued May 17, 2004  <a href="https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf">https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf</a></p>
<p>Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007  <a href="https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf">https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf</a></p>
<p>Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published January 22, 2007  <a href="https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf">https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf</a></p>
<p>Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice  <a href="https://www.hud.gov/sites/documents/DOC_8993.PDF">https://www.hud.gov/sites/documents/DOC_8993.PDF</a></p>
<p>Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System  <a href="https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF">https://www.hud.gov/sites/documents/PIH2017-12EIVNOTICE.PDF</a></p>
<p>Notice PIH 2018-24, Verification of Social Security Numbers (SSNs) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report  <a href="https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-24_EIV_SSN_Notice_FINAL.pdf">https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-24_EIV_SSN_Notice_FINAL.pdf</a></p>
<p>Notice PIH 2010-19, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System  <a href="http://www.hud.gov/offices/pih/publications/notices/10/pih2010-19.pdf">http://www.hud.gov/offices/pih/publications/notices/10/pih2010-19.pdf</a></p>
<p>OMB Circular A-133  <a href="https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/a133.pdf">https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/a133.pdf</a></p>
<p>Project-Based Voucher Program; Final Rule  <a href="http://www.gpo.gov/fdsys/pkg/FR-2005-10-13/pdf/05-20035.pdf">http://www.gpo.gov/fdsys/pkg/FR-2005-10-13/pdf/05-20035.pdf</a></p>
<p>VAWA Final Rule  <a href="http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf">http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf</a></p>
<p>Violence Against Women Reauthorization Act of 2013  <a href="https://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf">https://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf</a></p>

The HUD website is. <https://www.hud.gov/>.

Guidebooks, handbooks and other HUD resources may be found at the HUDClips website:  
[https://www.hud.gov/program\\_offices/administration/hudclips](https://www.hud.gov/program_offices/administration/hudclips).

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## Chapter 1

### OVERVIEW OF THE PROGRAM AND PLAN

#### INTRODUCTION

The Southern Nevada Regional Housing Authority (SNRHA) receives its funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development (HUD). SNRHA is not a federal department or agency. SNRHA is a Public Housing Agency (PHA) which is a governmental entity, created and authorized by state law to develop and operate housing and housing programs for low-income families. SNRHA enters into an Annual Contributions Contract (ACC) with HUD to administer the program requirements on behalf of HUD. SNRHA must ensure compliance with federal laws, regulations, and notices and must establish policies and procedures to clarify federal requirements and to ensure consistency in program operations.

Administration of the HCV Program and its functions are the responsibilities of SNRHA staff and shall be in compliance with SNRHA's Personnel Policies and HUD Section 8 HCV Regulations as well as all Federal, State, and local Fair Housing Laws and Regulations. This Administrative Plan has been prepared by SNRHA in conformance with the requirements of 24 CFR 982.54. Certain procedural elements of the HCV Program process are described as administrative procedures referenced in the Plan.

This chapter contains information about SNRHA and its programs with emphasis on the HCV 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: SNRHA. This part includes a description of the PHA, its jurisdiction, its programs, and its mission and intent.

Part II: The HCV Program. This part contains information about the Housing Choice Voucher program operation, roles, responsibilities, and partnerships.

Part III: The HCV Administrative Plan. This part discusses the purpose and organization of the plan and its revision requirements.



## **PART I: THE SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY (SNRHA)**

### **1-I.A. OVERVIEW**

This part explains the origin of SNRHA’s creation, authorization, the general structure of the organization, and the relationship between SNRHA Board of Commissioners and staff.

### **1-I.B. ORGANIZATION AND STRUCTURE OF SNRHA**

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by SNRHA for the jurisdiction defined as all incorporated and unincorporated areas of Clark County, Nevada. This area includes; Las Vegas, North Las Vegas, Henderson, Boulder City, and Mesquite. The unincorporated area includes the towns of Paradise, Winchester, Sunrise Manor, Whitney, Laughlin, Enterprise, Goodsprings, Searchlight, Moapa Valley, and Spring Valley. The communities of Jean, Blue Diamond, Sandy Valley, Nelson, Glendale, Moapa, Mt. Charleston, Bunkerville, Sloan, Arden, Spring Mountain Summit, and all other unincorporated areas of Clark County, Nevada. The officials of SNRHA are known as Commissioners or, collectively, as the Board of Commissioners. Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation, establishing policies under which SNRHA conducts business, ensuring policies are followed by SNRHA staff, and ensuring SNRHA is successful in its mission, vision, and goals. The Board of Commissioners is responsible for preserving and expanding the agency’s resources and assuring the agency’s continued viability.

Formal actions of SNRHA are taken through written resolutions, adopted by the Board of Commissioners, and entered into the official records of SNRHA.

The principal staff member of SNRHA is the Executive Director (ED), hired and appointed by the Board of Commissioners. The Executive Director is directly responsible for carrying out the policies established by the Board of Commissioners and is delegated the responsibility for hiring, training, and supervising the remainder of SNRHA’s staff in order to manage the day-to-day operations of SNRHA to ensure compliance with federal and state laws and directives for the programs managed. In addition, the Executive Director’s duties include budgeting and financial planning for the agency.

### **1-I.C. SNRHA MISSION**

The intent of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides guiding direction for developing strategy, defining critical success factors, searching out key opportunities, making resource allocation choices, satisfying clients and stakeholders, and making decisions.

#### SNRHA Policy

We will conduct business fairly and in transparency and create partnerships in the community, which exemplify the same values. We will maintain high standards, be sensitive to cultural diversity, and work to provide quality and sustainable housing options



and opportunities that promote empowerment and self-sufficiency. We will provide quality products and professional service and be good stewards of the public trust.

SNRHA's mission is to provide safe, decent, and sanitary housing conditions for low and very low-income families and to manage resources efficiently. SNRHA is to promote personal, economic, and social upward mobility to provide families the opportunity to make the transition from subsidized to non-subsidized housing.

### LOCAL GOALS [24 CFR 982.1]

The Housing Authority's goals and objectives enable SNRHA to serve the needs of low and very low-income families as identified by SNRHA.

#### **Part I**

<b>HUD Strategic Goal:</b>	<i>Increase the availability of decent, safe, and affordable housing</i>
<b>Housing Choice Voucher Goal:</b>	Expand the supply of assisted housing
<b>Housing Choice Voucher Objectives:</b>	Apply for additional rental vouchers Promote Homeownership Opportunities via the Housing Choice Voucher Homeownership Option
<b>Housing Choice Voucher Goal:</b>	Improve the quality of assisted housing
<b>Housing Choice Voucher Objectives:</b>	Maintain voucher management High Performance Increase customer satisfaction
<b>Housing Choice Voucher Goal:</b>	Increase assisted housing choices
<b>Housing Choice Voucher Objectives:</b>	Conduct outreach efforts to potential voucher landlords Expand voucher homeownership program
<b>HUD Strategic Goal:</b>	<i>Promote self-sufficiency and asset development of families and individuals</i>
<b>Housing Choice Voucher Goal:</b>	Promote self-sufficiency and asset development of assisted households



**Housing Choice Voucher Objectives:**

Increase the number and percentage of employed persons in assisted families

Provide or attract supportive services to improve assistance recipients' employability

Provide or attract supportive services to increase independence for the elderly or families with disabilities.

**HUD Strategic Goal:**

*Ensure Equal Opportunity in Housing for all Americans*

**Housing Choice Voucher Goal:**

Ensure equal opportunity and Affirmatively Further Fair Housing

**Housing Choice Voucher Objectives:**

Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, disability, sexual orientation, and/or marital status.

Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, disability, sexual orientation, and/or marital status.

Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.

Develop and implement a Limited English Proficiency (LEP) Plan to ensure persons who are LEP have full access to all programs and services of SNRHA.



*SNRHA has the following goals for the program:*

To encourage self-sufficiency of participant families and assist in the expansion of family opportunities, which address educational, socio-economic, recreational, and other human service needs.

To create positive public awareness and expand the level of family, owner, and community support in accomplishing SNRHA's mission.

To attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

To administer an efficient, high-performing agency through continuous improvement of SNRHA's support systems and commitment to employees and their development.

To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.

To ensure all units meet Housing Quality Standards and other SNRHA standards identified in this Administrative Plan and families pay fair and reasonable rents.

To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.

To promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to low and very low-income families.

To promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.

To provide housing counseling to increase homeownership goals.

**1-I.D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]**



Expenditures from the Administrative Reserve (Operating Reserve) shall not exceed \$25,000 per occurrence nor more than \$100,000 in the aggregate for each fiscal year without the prior approval of SNRHA Board of Commissioners. Payments to participants due to staff error in rent calculations will be paid from the Administrative fee reserve with the written approval of the Director of Housing Programs or their designee. Housing Choice Voucher Administrative Fee can only be utilized for the Administration of the Housing Choice Voucher Program or development related directly to the Housing Choice Voucher Program.

### ***RULES AND REGULATIONS [24 CFR 982.52]***

This Administrative Plan is set forth to define SNRHA's local policies for operation of the housing programs in the context of Federal Laws and Regulations. All issues related to Housing Choice Voucher Program not addressed in this document are governed by such Federal Regulations, HUD Memos, Notices and Guidelines, or other applicable law.

### ***TERMINOLOGY***

The Southern Nevada Regional Housing Authority is referred to as "PHA" or "Housing Authority" or "SNRHA" throughout this document.

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

"Tenant" is used to refer to participants in terms of their relationship to landlords.

"Landlord" and "owner" are used interchangeably.

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

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

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

"Failure to Provide" refers to all requirements in the Family Obligation. See Chapter 12, "Denial or Termination of Assistance."

"Merger date" refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher program into the Housing Choice Voucher Program.

"Days" mean calendar days unless noted, not working days.

See Glossary for other terminology.

### **1-I.E. SNRHA'S PROGRAMS**

The following programs are included under this Administrative Plan:

#### **SNRHA Policy**

SNRHA's Administrative Plan is applicable to the operation of the Housing Choice Voucher (HCV) program including its HCV Project-Based Program.



## **1-I.F. SNRHA’S COMMITMENT TO ETHICS AND SERVICE**

As a public service agency, SNRHA is committed to providing excellent service to HCV program participants – families and owners – in the community. SNRHA’s standards include:

- Administer applicable federal and state laws and regulations to achieve the highest ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of participants served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self-sufficiency of participant families and assist in the expansion of family/individuals opportunities which address educational, socio-economic, recreational, and other human service’s needs.
- Promote fair housing and the opportunity for families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to low and very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing SNRHA’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 SNRHA’s support systems and commitment to our employees and their development.
- SNRHA will make every effort to keep program participants informed of HCV program rules and regulations and to advise participants of how the program rules affect them.

## **PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM**

### **1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM**

The intent of this section is to provide the public and staff with information related to the overall operation of the program. There have been many changes to the program since its inception in 1974 and a brief history of the program will assist the audience in understanding the program.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance, and the development of affordable housing developments for low-income residents.



The Housing and Community Development (HCD) Act of 1974 created a new federally assisted housing program – the Section 8 Existing program (also known as the Section 8 Certificate program). The HCD Act represented a significant shift in federal housing strategy from locally owned public housing to privately owned rental housing.

Under the Certificate program, federal housing assistance payments were made directly to private owners of rental housing, where this housing was made available to low-income families. Eligible families were able to select housing in the private rental market. Assuming that the housing met certain basic physical standards of quality (“housing quality standards”) and was within certain HUD-established rent limitations (“fair market rents”), the family would be able to receive rental assistance in the housing unit. Family contribution to rent was generally set at 30 percent of the family’s adjusted income, with the remainder of the rent paid by the program.

Another unique feature of the Certificate program was the rental assistance remained with the eligible family, if the family chose to move to another privately-owned rental unit that met program requirements (in contrast to the public housing program where the rental assistance remains with the unit, should the family decide to move). Consequently, the Certificate program was characterized as tenant-based assistance, rather than unit-based assistance.

The Housing and Community Development (HCD) Act of 1987 authorized a new version of tenant-based assistance – the Section 8 Voucher program. The Voucher program was very similar to the Certificate program in that eligible families were able to select housing in the private rental market and receive assistance in that housing unit.

However, the Voucher program permitted families additional options in their selection of housing opportunities. Rental housing still had to meet the basic housing quality standards, but there was no fair market rent limitation on rent. In addition, the family’s contribution to rent was not set at a limit of 30 percent of their adjusted income. Consequently, depending on the actual rental cost of the unit selected, a family might pay more or less than 30 percent of their adjusted income for rent.

From 1987 through 1999, public housing agencies managed both the Certificate and Voucher tenant-based assistance programs, with separate rules and requirements for each. From 1994 through 1998, HUD published a series of new rules, known as “conforming” rules, to more closely combine and align the two similar housing programs, to the extent permitted by the law.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act – was signed into law. QHWRA eliminated all statutory difference between the Certificate and Voucher tenant-based programs and required that the two programs be merged into a single tenant-based assistance program, now known as the Housing Choice Voucher (HCV) program.

The HCV program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the HCV program requires an assisted family to pay a minimal of 30 percent of their adjusted income for rent.

The transition of assistance from the Certificate and Voucher programs to the new HCV program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the HCV program.





## 1-II.B. HCV PROGRAM BASICS

The purpose of the HCV program is to provide rental assistance to eligible families. The rules and regulations of the HCV program are determined by the U.S. Department of Housing and Urban Development. SNRHA is afforded choices in the operation of the program which are included in SNRHA's Administrative Plan, a document approved by the Board of Commissioners of SNRHA.

The HCV program offers mobility to eligible families because they may search for suitable housing anywhere in SNRHA's jurisdiction and may also be eligible to move under portability to other PHA's jurisdictions.

When a family is determined to be eligible for the program and funding is available, SNRHA issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, SNRHA will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent. Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. SNRHA continues to make payments to the owner as long as the family is eligible and the housing unit continues to qualify under the program.

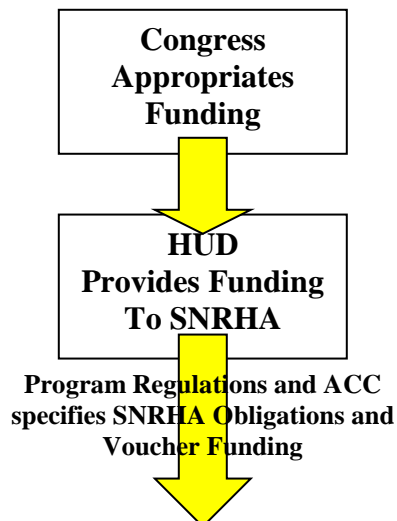
## 1-II.C. THE HCV PARTNERSHIPS

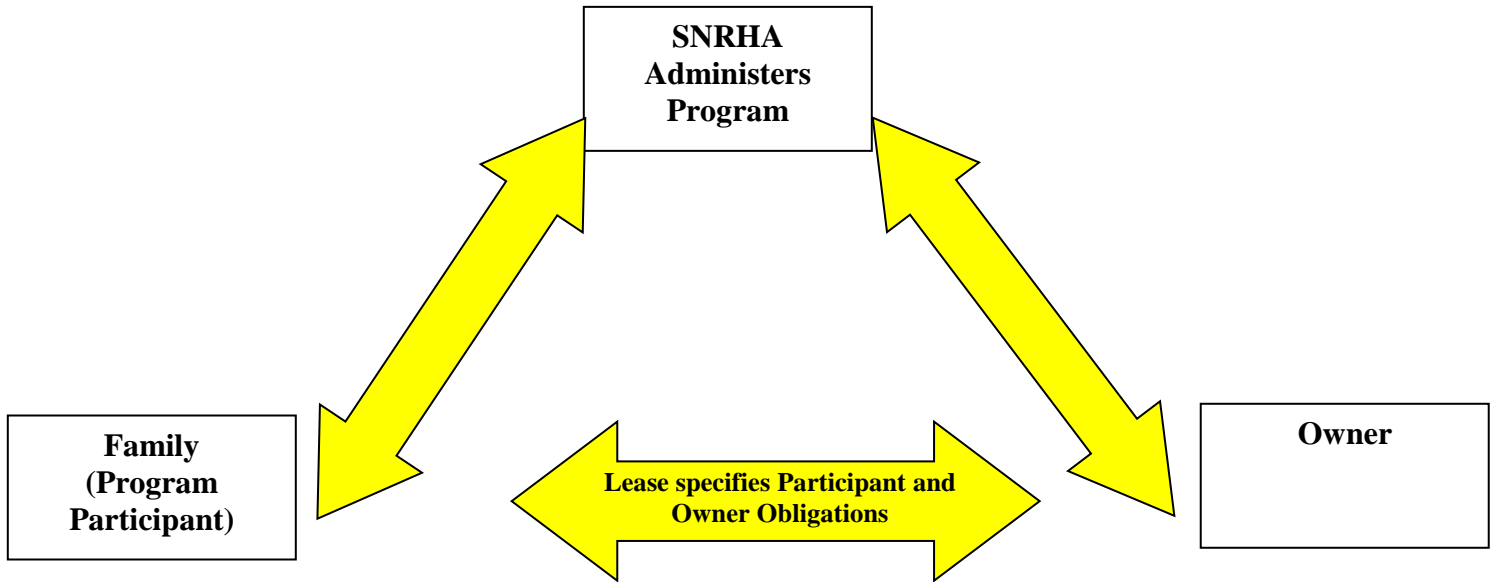
To administer the HCV program, SNRHA enters into a contractual relationship with HUD. SNRHA also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit.

For the HCV program to work and be successful, all parties involved – HUD, SNRHA, the owner, and the family – have important roles to play. The roles and responsibilities of all parties are defined in federal regulations and in legal documents that parties execute in order to participate in the program.

The chart below illustrates key aspects of these relationships.

### The HCV Relationships:





### **What does HUD do?**

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices, and other guidance to implement HCV housing program legislation passed by Congress
- Allocate HCV program funds to SNRHA
- Provide technical assistance to SNRHA on interpreting and applying HCV program requirements
- Monitor SNRHA compliance with HCV program requirements and SNRHA performance in program administration.

### **What does SNRHA do?**

SNRHA administers the HCV 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 based on waitlist status
- Issue voucher to selected family.
- Conduct outreach to owners, with special attention to owners outside areas of poverty or minority concentration
- Approve the rental unit (including assuring compliance with housing quality standards and rent reasonableness), the owner, and the tenancy



- Make housing assistance payments to the owner in a timely manner
- Ensure families and their rental units continue to qualify under the program
- Ensure owners and families comply with program rules
- Provide families and owners with prompt professional service
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, SNRHA's Administrative Plan, and other applicable federal, state, and local laws.

### **What does the Owner do?**

The owner has the following major responsibilities:

- Screen families who apply for tenancy, to determine if they will be good renters
  - SNRHA can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.
  - The owner should consider family background factors such as rent and bill-paying history, history of caring for property, respecting the rights of others to peaceful enjoyment of the property, compliance with essential conditions of tenancy, whether the family is engaging in drug-related criminal activity or other criminal activity that might threaten others.
- Comply with the terms of the Housing Assistance Payments (HAP) contract, executed with SNRHA
- Comply with all applicable fair housing laws and discriminate against no one
- Maintain the housing unit by making necessary repairs in a timely manner, as required by the Housing Assistance Contract (HAP) and SNRHA policies and procedures
- Collect rent due from the assisted family and otherwise comply with and enforce provisions of the dwelling lease.

### **What does the Family do?**

The family has the following responsibilities:

- Provide SNRHA with required, complete, and accurate information for continued eligibility.
- Make their best and most timely efforts to find suitable housing qualifying them for the program
- Attend all appointments scheduled by SNRHA
- Allow SNRHA to inspect the unit at reasonable times and after reasonable notice
- Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the family
- Comply with the terms of the lease with the owner



- Comply with the family obligations of the voucher
- Not commit serious or repeated violations of the lease
- Not engage in drug-related or violent criminal activity
- Notify SNRHA and the owner before moving or terminating the lease
- Use the assisted unit only as the sole residence of the family. Not sublet the unit, assign the lease, or have any interest in the unit
- Promptly notify SNRHA of any changes in family composition
- 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 effectively.

#### **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 100: The Fair Housing Act
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 100: Fair Housing

Local rules made part of this Plan are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

### **PART III: THE HCV ADMINISTRATIVE PLAN**

#### **1-III.A. OVERVIEW AND PURPOSE OF THE PLAN**

The Administrative Plan is required by HUD. The purpose of the Administrative Plan is to establish policies for carrying out the program operations in a manner consistent with HUD requirements as well as local goals and objectives contained in SNRHA's agency plan. This Administrative Plan is a supporting document to the SNRHA agency plan, and is available for public review as required by CFR 24 Part 903.

This Administrative Plan is set forth to define SNRHA's local policies for operation of the housing programs in the context of federal laws and regulations. All issues related to Section 8-HCV Program not addressed in this document are governed by such federal regulations, HUD



handbooks and guidebooks, notices, and other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

SNRHA is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of SNRHA staff shall be in compliance with SNRHA's personnel policy and HUD's Section 8-HCV regulations as well as all federal, state, and local fair housing laws and regulations.

### **1-III.B. CONTENTS OF THE PLAN [24 CFR 982.54]**

HUD regulations contain a list of what must be included in the Administrative Plan. SNRHA Administrative Plan must cover SNRHA policies on these subjects:

- Selection and admission of applicants from the SNRHA waiting list, including any SNRHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the SNRHA waiting list (Chapter 4)
- The issuing or the denying of vouchers, including SNRHA policy governing the voucher term and any extensions or suspensions of the voucher term. 'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If SNRHA decides to allow extensions or suspensions of the voucher term, SNRHA Administrative Plan must describe how SNRHA determines whether to grant extensions or suspensions and how SNRHA determines the length of any extension or suspension (Chapter 7).
- Any special rules for use of available funds when HUD provides funding to SNRHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4)
- Occupancy policies, including definition of what group of persons may qualify as a 'family'; definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 12)
- Encouraging the participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 7)
- Assisting a family that claims illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2)
- Providing information about a family to prospective owners (Chapters 3 and 9)
- Disapproval of owners (Chapter 13)
- Subsidy standards (Chapter 5)
- Family absence from the dwelling unit (Chapter 12)



- How to determine who remains in the program if a family breaks up (Chapter 3)
- Informal review procedures for applicants (Chapter 14)
- Informal hearing procedures for participants (Chapter 14)
- The process for establishing and revising voucher payment standards (Chapter 16)
- The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8)
- Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 15)
- Policies concerning payment by a family to SNRHA of amounts the family owes SNRHA (Chapter 16)
- Interim redeterminations of family income and composition (Chapter 11)
- Restrictions, if any, on the number of moves by a participant family (Chapter 10)
- Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve (Chapter 1)
- Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 8)
- SNRHA screening of applicants for family behavior or suitability for participation (Chapter 3) and
- Conducting business in accordance with Core Values (Appendix F)

### **New Approach to Policy Development**

HUD has developed an approach to monitoring and policy development that requires PHAs to establish policies for these purposes.

A primary focus of HUD's Rental Integrity Monitoring (RIM) program was consistency. Consistency in how SNRHA conducts their business and is how HUD monitors SNRHA's activities.

HUD expects all staff will be consistent in the procedures they follow, the calculations they make, and their actions will be consistent with SNRHA's Administrative Plan.

### **Mandatory vs. Discretionary 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 PHAs to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies SNRHA has adopted. SNRHA's Administrative Plan is the foundation of those policies and procedures. HUD's directions require SNRHA to make policy choices that provide guidance to staff and consistency to program applicants and participants.

Following HUD guidance, even though it is not mandatory, provides a PHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach 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 HUD's safe harbor, but PHAs should carefully think through those decisions.

### **1-III.C. ORGANIZATION OF THE PLAN**

The Plan is organized to provide information to users in particular areas of operation.

### **1-III.D. UPDATING AND REVISING THE PLAN**

SNRHA will revise this Administrative Plan as needed to comply with changes in HUD regulations. The original plan and any changes must be approved by the Board of Commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

#### SNRHA Policy

SNRHA will review and update the plan as needed, to reflect changes in regulations, SNRHA operations, or when needed to ensure staff consistency in operation.

### **1-III.E. HCV NEEDS ASSESSMENT**

The mission of SNRHA's HCV Program is to provide safe, decent, and sanitary affordable housing choices to the very low income and extremely low income families in its program. The Quality Housing and Work Responsibility Act (QHWRA) of 1998, requires 75 percent of all new admissions into the Section 8 Tenant Based Program be extremely low-income families. SNRHA in developing its needs assessment, considered the future needs of families who will be issued vouchers when funding is available, or special allocation of funding is received from HUD.

To this end, SNRHA evaluates its current program participants on a regular basis. The majority of participants are leased in two (2) bedroom units and the average time of lease-up (from date voucher was issued to leased up) has an estimated 45-60 calendar days. Any new allocations such as Welfare to Work, Family Unification Program, or Mainstream Vouchers, Emergency Housing Voucher and VASH will require additional resources and community partnership efforts. SNRHA staff will also assist in explaining the program to new landlords and assist, as required, in rent negotiations to ensure all requests for lease-approval are reasonable, as required by HUD.

This effort, along with the dissemination of our Deconcentration Maps to all participants at briefings, will afford each client the opportunity to make informed housing choices. This map will have area amenities such as schools, hospitals, libraries, transportation routes, and other information identified on said map to assist families in making informed housing choices when



selecting their unit. The Deconcentration Map will also have the poverty impacted census tracts highlighted for informational purposes. These strategies will provide the added benefit to SNRHA participants by making parts of the city/county with better schools and more jobs available to these families. Partnerships with other community organizations will play a valid role in providing childcare assistance, transportation to work, job and life skills training, and other support services.

SNRHA will conduct outreach efforts to attract new landlords throughout Clark County to ensure units are available when families are issued vouchers.

### **1-III. F. RECORDS FOR MONITORING SNRHA'S PERFORMANCE**

In order to demonstrate compliance with HUD and other pertinent regulations, SNRHA will maintain records, reports, and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional, or other interested party to follow, monitor, and or assess SNRHA's operational procedures objectively and with accuracy and in accordance with Section 8 Management Assessment Program (SEMAP) requirements with internal supervisory audits.

In addition to the required SEMAP documentation, supervisory staff or their designee audit the following functions:

- Not less than 50% of reexaminations
- Not less than 75% of new applications

### **1-III. G. PRIVACY RIGHTS [24 CFR 982.551]**

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information annually. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/SNRHA will release family information. SNRHA shall require additional authorizations not covered by the HUD 9886 form as required for verifications.

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

Any and all information which discloses the nature and/or severity of a person's disability must be redacted or removed from a client's file.

SNRHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.

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

### **1-III.H. FAMILY OUTREACH [24 CFR 982.153(b) (1)]**





SNRHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When SNRHA's waiting list is open, SNRHA will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation, minority media, and by other suitable means, including outreach to organizations that provide services to the disabled and Limited English Proficiency persons.

To reach persons who cannot read newspapers, SNRHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. SNRHA will also utilize public service announcements. SNRHA shall advertise in the following location(s) and publications when opening its Waiting list. However, the list of vendors below may be altered without Board approval based on results of outreach and other factors such as vendors no longer being available. The Director of Housing Programs or their designee will make this determination.

- Las Vegas Review Journal/Sun
- El Mundo
- Latin American Press
- Asian Journal
- The Israelite
- Indian Voice
- The Challenger
- SNRHA's website @ [www.snrha.org](http://www.snrha.org)

Additionally, to reach persons with disabilities, SNRHA will provide separate notice to local organizations representing the interests of needs of the disabled. This will include but are not limited to notice to the following organizations:

- Opportunity Village
- Southern Nevada Advocacy and Law Center
- Nevada Legal Services
- Help Them Walk Again
- Nevada Association for the Handicapped
- United Cerebral Palsy of Nevada
- Department of Human Services
- Southern Nevada Center for Independent Living
- Nevada Disability Advocacy and Law Center
- St Vincent's



- Salvation Army Family Services
- Shade Tree
- Helping Hands
- Veterans Administration
- Nevada Association of Latin Americans
- Nevada Children Center
- Nevada Client Assistance Program
- Nevada Community Outreach Medical
- Nevada Equal Rights Commission
- Nevada Fair Housing Center
- Blind Center of Nevada
- Assistive Technology Center at Nevada Community Enrichment Program
- Clark County Legal Services
- Multiple Sclerosis National Society
- Southern Nevada Adult Mental Health District
- Women Development Center
- Lutheran Social Services
- AEGIS of Las Vegas –Alzheimer Memory Care
- NSW –Owens
- NSW –Belrose
- NSW-Henderson
- Southern Nevada Health Center
- Las Vegas Indian Center
- Salvation Army
- Catholic Charities of SN
- Safe Nest
- Shade Tree
- United Cerebral Palsy of NV/Easter Seals
- Department of Children and Family Services



### **1-III.I. OWNER OUTREACH [24 CFR 982.54(d) (5), 982.153(b) (1)]**

SNRHA makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participating owners of applicable legislative changes in program requirements.

SNRHA encourages owners of qualified, decent, safe, and sanitary housing units to lease to Section 8-HCV families.

SNRHA will maintain a list, of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to eligible very low and low-income households. Instructional cards for listing and accessing listing will be provided in its lobby, available on its website, and mailed on request as a reasonable accommodation for a person with a disability. The information will also be included in all briefing packets.

SNRHA staff initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

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

SNRHA has active participation in a community-based organization(s) comprised of private property and apartment owners and managers.

SNRHA will actively recruit property owners with property located outside areas of minority and poverty concentration and apply for exception payment standards if SNRHA determines it is necessary to make the program more accessible in SNRHA's jurisdiction.

SNRHA encourages program participation by owners of units located outside areas of poverty or minority concentration. SNRHA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choices and better housing opportunities to families. Voucher holders are informed of a broad range of areas where they may lease units inside SNRHA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration.

SNRHA conducts meetings with participating owners to improve owner relations and to recruit new owners.

SNRHA shall periodically:

- Request the HUD Field Office to furnish a list of HUD-held properties available for rent
- Develop working relationships with owners and real estate broker associations
- Establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements



- Explain the program, including equal opportunity requirements, nondiscrimination requirements, and Fair Housing Amendments Act of 1988 and Americans with Disabilities Act to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.



## Chapter 2

### FAIR HOUSING AND EQUAL OPPORTUNITY

#### INTRODUCTION

This chapter explains the laws and HUD regulations requiring SNRHA 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 SNRHA's Housing Choice Voucher (HCV) operations.

This chapter describes HUD regulations and SNRHA policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of SNRHA regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the Housing Choice Voucher 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 the PHA to ensure meaningful access to the HCV program and its activities by persons with Limited English Proficiency (LEP.) This part incorporates HUD and DOJ's Notice of Guidance, published January 22, 2007 in the *Federal Register*.

#### PART I: NONDISCRIMINATION

##### 2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants / participants 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, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. SNRHA 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)

- Violence Against Women Reauthorization Act of 2005 (VAWA)
- The Equal Access to Housing in HUD Program Regardless of Sexual Orientation or Gender Identify Final Rule, published in the Federal register February 3, 2012
- When more than one civil rights law applies to a situation, the laws will be read and applied together.
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, participants, applicants, or staff that may subsequently be enacted
- The US Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity in housing and employment.

SNRHA also complies with Executive Order 13166-Limited English Proficiency (LEP) Plan for all LEP eligible clients. (See Appendix B; 2:II.E and 2III.A)

#### SNRHA Policy

SNRHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Housing Choice Voucher Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial, marital status, disability, sexual orientation, gender identity and/or marital status. No state or local nondiscrimination laws or ordinances apply above the federal directives, except as noted.

To further its commitment to full compliance with applicable Civil Rights laws, SNRHA will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request at the front desk. These documents shall be provided in Spanish upon request.

If a family believes they have been the victims of illegal discrimination, SNRHA will provide:

- HUD's Fair Housing brochure
- Assistance in completing HUD Form 903
- Referral to the Regional HUD Office of Fair Housing
- Referral to State or local fair housing organizations

All Housing Authority staff will be required to attend fair housing training and shall be informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities and Limited English Proficiency persons with translation and interpretation assistances, as a part of the overall commitment to quality customer service.



Fair Housing posters are posted throughout the Housing Authority office/s, including in the lobby and interview rooms and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organizations to keep current with new developments.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because SNRHA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout SNRHA's office in such a manner as to be easily readable from a wheelchair.

The Southern Nevada Regional Housing Authority's office(s) are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by a TDD or RELAY services.

## **2.I.B. NONDISCRIMINATION**

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as SNRHA policies, can prohibit discrimination against additional classes of people.

SNRHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (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.

The PHA will not discriminate on the basis of marital status, gender identity or sexual orientation (FR Notice 02/03/12.).

### SNRHA Policy:

SNRHA does not identify any additional protected classes.

SNRHA 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 Housing Choice Voucher program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Subject anyone to sexual harassment
- 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 / participant 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



## **THE FAIR HOUSING ACT [24 CFR PART 100]**

### **Illegal Inquiries [24 CFR 100.202]**

The Fair Housing Act makes it unlawful for a housing provider to:

- Ask if an applicant/participant for a dwelling has a disability or if a person intending to reside in a dwelling or anyone associated with an applicant / participant has a disability; or
- Ask about the nature or severity of a disability of such persons.

SNRHA may make the following inquiries, provided these inquiries are made of all applicants, regardless of whether the applicant appears to have a disability or says he or she has a disability;

- An inquiry into an applicant's ability to meet the requirements of tenancy;
- An inquiry to determine if an applicant is involved in current, illegal use of drugs;
- An inquiry to determine if an applicant qualifies for a dwelling legally available only to persons with a disability or to persons with a particular type of disability. SNRHA may inquire whether an applicant has a disability for determining if that person is eligible to live in mixed population (elderly/disabled) housing or housing designated for persons with disabilities;
- An inquiry to determine if an applicant qualifies for housing that is legally available on a priority basis to persons with disabilities or to persons with a particular disability. This means SNRHA may ask applicants if they need units with accessible features, including units designed to be accessible for persons with hearing and/or visual impairments, or if they qualify for a housing choice voucher designated for persons with disabilities only.

### **Verification of eligibility for SNRHA programs and benefits for persons with disabilities:**

SNRHA is required to verify an applicant qualifies as a person with a disability before permitting them to move to housing designated for persons with disabilities, or granting the \$400 deduction.

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.

Applicants / participants cannot be compelled to reveal they have a disability; however, if they do not, they may not receive any of the benefits that such status confers.

SNRHA's policy is to ask all applicants whether they wish to claim disability status or need any special unit features or methods of communication for persons with disabilities.

SNRHA will explain the consequences of the disclosure of one's disability as having possible benefits in rent calculation or an accessible unit, and required verification of disability prior to receipt of the particular benefit at issue.

### **Verification of disability and need for requested reasonable accommodation(s):**

- To verify an applicant is a person with a disability, SNRHA staff can first check to see whether the applicant is under age 62 and receives either Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) income. Receipt of such disability income is sufficient





verification that an individual qualifies as a person with a disability. However, individuals with disabilities who do not receive SSI or SSDI may still qualify as a person with a disability under the statutory definitions of disability. In these cases, the individual with a disability may need to provide supporting documentation. If a person requests a reasonable accommodation, then SNRHA may need to verify the person is a qualified individual with a disability and whether a requested accommodation is necessary to provide the individual with an equal opportunity to use or enjoy a dwelling unit, including the public and common areas. In doing so, SNRHA should only ask for information actually necessary to verify the person has a disability and there is a reasonable nexus between the individual's disability and the requested accommodation(s.)

SNRHA is not permitted to inquire about the nature or severity of the person's disability. Further, SNRHA staff may never inquire about an individual's specific diagnosis or details of treatment. If SNRHA receives documentation from a verification source containing the individual's specific diagnosis, information regarding the individual's treatment and/or information regarding the nature or severity of the person's disability, SNRHA should immediately dispose of this confidential information. This information should never be maintained in the individual's file.

Under no circumstances should SNRHA request an applicant's / participant's medical records, nor should SNRHA require applicants / participants submit to physical examinations or medical tests such as TB testing, or AIDS testing as a condition of occupancy.

***Note: It is a violation of Section 504 and the Fair Housing Act for a PHA to inquire whether an applicant / participant is capable of "living independently." Courts have consistently held that this is not a legitimate inquiry to make of applicants / participants in HUD-assisted housing and PHAs should ensure their screening materials do not include questions related to such an inquiry.***

### **Reasonable Modification to Existing Premises [24 CFR 100.203]**

Reasonable Modifications to existing premises applies to private owners participating in Housing Choice Voucher programs or other tenant-based programs, as well as to PHA owners of existing public housing units.

Under the Fair Housing Act, it is unlawful for an owner to refuse to permit a person with a disability, at their own expense, to make reasonable modifications of existing premises occupied or about to be occupied by a person with a disability if such modification may be necessary to afford the person with a disability full enjoyment of the premises. Under certain circumstances, the owner may require the tenant to pay funds (into an escrow account) necessary to restore the interior of the unit to its original condition if the modification would interfere with the owner or next resident's full enjoyment of the premises (see regulation for further requirements and guidance.) An owner may require that a resident restore modifications to the interior of the unit.

### **Reasonable Accommodation [24 CFR 100.204]**

Reasonable Accommodations apply to private owners participating in Housing Choice Voucher programs, PHAs, and all housing providers that are recipients of Federal financial assistance. PHAs are also covered under Section 504. The Fair Housing Act makes it unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices, or services when such



accommodations may be necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling unit, including public and common use areas (see regulation for further requirements and guidance.)

### **Providing Information to Families and Owners**

SNRHA must take steps to ensure families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, SNRHA must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301.] The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

### **Discrimination Complaints**

If an applicant / participant believes any family member has been discriminated against by SNRHA or an owner, the family should advise SNRHA. SNRHA should make every reasonable attempt to determine whether the applicant's / participant's assertions have merit and take any warranted corrective action. In addition, SNRHA is required to provide the applicant / participant with information about how to file a discrimination complaint [24 CFR 982.304].

Upon receipt of a housing discrimination complaint, the PHA is required to:

- Provide written notice of the complaint to those alleged and inform the complainant that such notice was made
- Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted
- Keep records of all complaints, investigations, notices, and corrective actions [Notice PIH 2014-20]

### SNRHA Policy

Applicants / participants who believe they have been subject to unlawful discrimination may notify SNRHA in writing.

SNRHA will attempt to remedy discrimination complaints made against SNRHA.

SNRHA 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.

SNRHA must ensure persons with disabilities have full access to SNRHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the HCV program.

#### SNRHA Policy

SNRHA will ask all applicants / participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by SNRHA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority.”

The 504 Officer's contact phone number will be indicated as the contact for requests for accommodation for persons with disabilities.

### **2-II.B. DEFINITION OF REASONABLE ACCOMMODATION**

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV program. For example, reasonable accommodations may include making home visits, extending the voucher term, or approving an exception payment standard in order for a participant to lease an accessible dwelling unit.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for SNRHA, 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 needed, SNRHA must modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside SNRHA range) if SNRHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of



accessible units or special challenges of the family in seeking a unit

- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with SNRHA staff
- Displaying posters and other housing information in locations throughout SNRHA's office in such a manner as to be easily readable from a wheelchair
- A utility allowance that is higher than the applicable amount on the utility allowance schedule. SNRHA will consider requests to approve a utility allowance because of additional equipment that uses an allowable consumption verified by engineering studies and will allow up to twenty-percent (20%) over the published and approved utility allowance.

## **2-II.C. REQUEST FOR AN ACCOMMODATION**

If an applicant / participant indicates an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that SNRHA 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 SNRHA's programs and services.

If the need for the accommodation is not readily apparent or known to SNRHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

## **2.II.D. REASONABLE ACCOMMODATIONS POLICY**

SNRHA, as a public agency that provides low rent housing to eligible families, has a legal obligation to provide "reasonable accommodations" to applicants / participants if they or any family member have a disability as defined at 24 CFR 8.4. See Glossary for definition of disability. Applicants, participants, or employees who are individuals with disabilities should contact their caseworker to seek reasonable accommodations.

SNRHA's policy is to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability. SNRHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services.

This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with SNRHA, when SNRHA initiates contact with a family (including when a family applies) and when SNRHA schedules or reschedules appointments of any kind.



To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) they are a person with a disability under the following ADA definition:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
  - A record of such impairment; or
  - Being regarded as having such an impairment

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. An individual whose drug or alcohol addiction is a material factor to their disability is excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, SNRHA will require a professional third party (competent to make the assessment) provide written verification the person needs the specific accommodation due to their disability, and the change is required for them to have equal access to the housing program.

If SNRHA finds the requested accommodation creates an undue administrative and financial burden, or would violate a federal regulation or statute, SNRHA will either deny the request and/or present an alternate accommodation that will still meet the need of the person. An undue administrative burden is one that requires a fundamental alteration of the essential functions of SNRHA (i.e. waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on SNRHA.

Requests for reasonable accommodations not requiring monetary assistance from SNRHA to implement or require staff to provide services over-and-above their duties (home visits would be considered within said duties) would not require SNRHA's 504 Officer's Approval. All other requests will be reviewed and approved by SNRHA's 504 Officer or their designee.

If a request is denied, SNRHA will provide a written decision to the person requesting the accommodation within 20 business days. In addition, if a person is denied the accommodation or feels the alternative suggestions are inadequate, they may request an informal review to review SNRHA's decision. Copies of all reasonable accommodation requests and their outcome shall be forwarded to the 504 Coordinator for tracking purposes and additional follow-up, if required.

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



All SNRHA mailings will be made available in an accessible format upon request, as a reasonable accommodation. Subject to the undue burdens and fundamental alterations tests described below, SNRHA will correct physical situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of SNRHA's housing programs and non-housing programs, in accordance with Section 504 and the Fair Housing Amendment Act of 1968, SNRHA shall comply with all requirements and prohibitions in applicable law. Facilities and programs used by applicants / participants shall be accessible to persons in wheelchairs, persons with sensory impairments, and other persons with disabilities. Application offices, management offices, and hearing rooms, (to the extent SNRHA has such facilities) will be usable by participants with a full range of disabilities. If SNRHA offers such facilities, and none is accessible, some will be made so, subject to the undue financial and administrative burden test [ 24 CFR 8.21.]

Documents and procedures used by applicants / participants shall be accessible to persons in wheelchairs, persons with sensory impairments, and other persons with disabilities. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible. Methods used to ensure communication is understandable by persons with disabilities are described in SNRHA's Procedure on Civil Rights and Disability Rights [24 CFR 8.6.]

A reasonable accommodation is some modification or change SNRHA can make (at SNRHA's expenses) to its policies, practices, or procedures that will assist an otherwise eligible applicant / participants with a disability to take full advantage of and use all SNRHA's programs, including those that are operated by other agencies in SNRHA-owned public space [24 CFR § 8.20.]

An accommodation is not reasonable if it: [24 CFR § 8.21(b) and 24 CFR § 8.24(a)(2)]

- Causes an undue financial and administrative burden; or
- Represents a fundamental alteration in the nature of SNRHA's program.

Examples of reasonable accommodations in the Housing Choice Voucher program include, but are not limited to: [24 CFR § 8.4]

- Making sure SNRHA's program offices are fully accessible
- Conducting interviews, meetings, and conferences at some site other than the Authority at the request of an individual with disabilities who cannot come to SNRHA's offices
- Granting a family with disabilities more time than usually granted to find a unit and meeting the family's needs
- Approving a family that includes an individual with disabilities for a larger than normal unit to accommodate the individual's disability-related needs for a separate bedroom, a live-in aide, or room to store disability-related equipment or supplies
- When financially feasible and permitted by HUD, granting an exception rent to a landlord who makes accessibility improvements on behalf of a program participant who is an individual with disabilities



- 1) Ensuring all communications with disabled individuals are fully intelligible to all parties, including those with sensory or cognitive impairments. Examples of ways effective communication would be carried out include, but are not limited to:
  - Making large type documents, Braille documents, cassettes or a reader available to an applicant / participant with a vision impairment during interviews or meetings with SNRHA staff
  - Making a sign language interpreter available to an applicant / participant with a hearing impairment during interviews or meetings with SNRHA staff
  - Providing Telecommunications Devices for the Deaf (TDDs) to permit persons with hearing impairments to communicate with SNRHA by telephone
  - Permitting an applicant / participant to be accompanied or represented by a family member, friend, or advocate at all meetings and interviews with SNRHA if the individual desires such representation, or
  - Permitting an outside agency or individual to assist an applicant / participant with a disability to meet SNRHA's applicant screening criteria.
- 2) An applicant / participant family with a disabled member must still be able to meet essential obligations of the Housing Choice Voucher program. They must be able (with or without assistance) [24 CFR § 8.3]
  - a) To carry out their obligations under the voucher;
  - b) To carry out their obligations under the lease; and
  - c) To comply with necessary and reasonable rules and program requirements of HUD and SNRHA.
- 3) If applicant / participant family members needs assistance with one of the essential obligations of tenancy, as a reasonable accommodation, SNRHA will permit a friend, family member, or advocate provide such assistance or make a referral to an individual or agency that can provide such assistance [24 CFR § 8.20.]
- 4) If an applicant / participant receives a referral to an agency or individual who can assist the applicant / participant in complying with the essential obligations of tenancy, the applicant / participant is not obligated to accept the service. But if refusing service results in a lease violation or violation of family obligations under the Housing Choice Voucher Program, SNRHA may terminate the lease [24 CFR § 8.2.]
- 5) At any time an applicant / participant family has a disability and needs / wants a reasonable accommodation, it may be requested [24 CFR § 8.20.]
- 6) If an applicant / participant would prefer not to discuss the situation with SNRHA, that is his/her right.

*See Addendum "A" for Additional RA Guidance*

## **2.II.E. PROVIDING INFORMATION IN LANGUAGES OTHER THAN ENGLISH**

1. SNRHA makes all written materials (establish as LEP vital documents in the agency's LEP



Plan) to be used by or sent to applicants / participants available in a language other than English if at least five percent of the program eligible people in the Authority’s jurisdiction speak that language and have Limited English Proficiency. When the group of people needing translation equals at least five percent of the program eligible population:

- a. In some cases, materials will be printed with an English version on one side of the paper and in an alternate language version on the reverse
  - b. Complex documents, such as the Applications, Continued Occupancy Forms, and Grievance Procedures will be available in both English and other languages
  - c. Persons who are fluent in the alternate language are available for interviews, meetings, and other forms of face-to-face communication with families whose first language is something other than English.
2. To assist persons with Limited English Proficiency who are not a large enough group to warrant full translation, staff will arrange for another appointment and SNRHA shall pay for the services of a professional interpreter at no charge to the applicant/participant.
3. All vital forms, written materials, and recorded voice-mail messages used to communicate with prospective applicants / participants shall be available in all languages used by a significant proportion of SNRHA’s eligible population or tagged. This includes the following documents related to registration, intake, marketing, outreach, certification, re-examination, and inspections as needed:
- Pre-Applications
  - Full Applications
  - Posters, or
  - Notices

Other letters and forms shall have a “tag” written in Spanish advising that SNRHA provides free translation and interpreter services for its clients and instructing them how to contact our bi-lingual staff for assistance. *Under Addendum B, is SNRHA LEP Full Plan.*

#### SNRHA Policy

SNRHA will encourage the family to make its request in writing using a SNRHA provided request form.

### **2-II.F. 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. Verification policies are contained in Chapter 7.

Before providing an accommodation, SNRHA must determine if the person meets the definition of a person with a disability for purposes of reasonable accommodation, and the accommodation will enhance the family’s access to SNRHA’s programs and services.





If a person's disability is obvious or otherwise known to SNRHA, 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 an accommodation is required for a disability that is not obvious or otherwise known to SNRHA, SNRHA must verify the person meets the definition of a person with a disability, and the limitations imposed by the disability require the requested accommodation.

When verifying a disability, SNRHA will follow the verification policies provided in Chapter 6. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16. In addition to the general requirements governing 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.]
- SNRHA must only request information necessary to evaluate the disability-related need for the accommodation. SNRHA will not inquire about the nature or extent of any disability.
- Medical records will not be retained in the participant's file.

## **2-II.G. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION** [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

SNRHA must approve a request for an accommodation if all the following three conditions are met:

1. The request was made by or on behalf of a person with a disability.
2. There is a disability-related need for the accommodation.
3. The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on SNRHA, or fundamentally alter the nature of the PHA's HCV operations (including the obligation to comply with HUD requirements and regulations.)

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of SNRHA 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, SNRHA 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 SNRHA may verify the need for the requested accommodation.

### SNRHA Policy

After a request for an accommodation is presented, SNRHA will respond, in writing, within



10 business days of receiving verifications.

If SNRHA 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 SNRHA's operations,) SNRHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

## **2-II.H. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS**

HUD regulations (24CFR 8.6 (a) (1) states the PHA shall take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public and shall furnish appropriate auxiliary aids when necessary to afford an individual with disabilities an equal opportunity to appreciate and enjoy the benefits of a program or activity receiving Federal financial assistance and require SNRHA to ensure persons with disabilities related to hearing and vision have reasonable access to SNRHA's programs and services [24 CFR 8.6.]

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

### SNRHA Policy

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available. SNRHA shall also utilize RELAY systems.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with SNRHA 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.I. PHYSICAL ACCESSIBILITY**

SNRHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

- PIH 2002-01 (HA), Accessibility Notice
- 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.

SNRHA's policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents:



- This plan describes the key policies governing SNRHA’s responsibilities with regard to physical accessibility.
- Notice PIH 2002-01(HA) Accessibility Notice (which must be posted in the HCV offices in a conspicuous place) summarizes information about pertinent laws and implementing regulations related to non-discrimination and accessibility in federally-funded housing programs.
- SNRHA Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of SNRHA 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 HCV program.

When issuing a voucher to a family that includes an individual with disabilities, SNRHA will include a current list of available accessible units known to SNRHA and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require the unit be restored to its original state at the family’s expense when the family moves.

## **2-II.J. DENIAL OR TERMINATION OF ASSISTANCE**

SNRHA’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 982.552 (2)(iv)].

When applicants/participants with disabilities are denied assistance or terminated, the notice of denial/termination must inform them of SNRHA’s grievance process and their right to request a grievance meeting. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the grievance process.

When reviewing reasonable accommodation requests, SNRHA must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to SNRHA’s decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, SNRHA must make the accommodation.

## **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 HCV program. In certain circumstances, failure to ensure 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 January 22, 2007 in the *Federal Register*.

SNRHA 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 is 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 Administrative Plan, LEP persons are HCV applicants / participants parents, and family members of applicants / participants.

In order to determine the level of access needed by LEP persons, SNRHA 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 Housing Choice Voucher 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 the PHA and costs.

Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on SNRHA.

## **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, SNRHA will generally offer or ensure the family is offered (through other sources) competent services free-of-charge to the LEP person.

### SNRHA Policy

SNRHA 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, SNRHA will train and hire bilingual staff to be available to act as interpreters and translators, will contract with vendors to provide translation services at no fee to the clients, and will standardize documents. Where feasible and possible, SNRHA 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 SNRHA. The interpreter may be a family member or friend. (See Addendum B for full LEP Plan)



## **2-III.C. WRITTEN TRANSLATION**

Translation is the replacement of a written text from one language into an equivalent written text to another language.

### SNRHA Policy

In order to comply with written-translation obligations, SNRHA will take the following steps:

SNRHA will provide written translations of vital documents for each eligible LEP language group that constitutes five 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 five percent trigger, SNRHA does not translate vital written materials, but provides 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.

These “safe harbor” provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP persons through competent oral interpreters where oral language services are needed and reasonable.

SNRHA will use the written documents supplied by HUD, whenever possible. All documents will be clearly marked “For Informational Purposes Only”. All documents that will be executed for the files and program requirements will be in English.

## **2-III.D. IMPLEMENTATION PLAN**

After completing the four-factor analysis and deciding what language assistance services are appropriate, SNRHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If SNRHA determines 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 the PHA’s Housing Choice Voucher program and services.

### SNRHA Policy

If it is determined SNRHA serves very few LEP persons, and SNRHA has very limited resources, SNRHA will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

If SNRHA determines it is appropriate to develop a written LEP plan, the following five steps will be taken:



- (1) identifying LEP individuals who need language assistance
- (2) identifying language assistance measures
- (3) training staff
- (4) providing notice to LEP persons, and
- (5) monitoring and updating the LEP Plan.

*See Addendum B for full LEP Plan*

### **2-III. E. AFFIRMATIVE MARKETING [CFR 960.103]**

SNRHA will conduct affirmative marketing as needed to ensure services are accessible to all applicants regardless of races, ethnic backgrounds, ages and disabilities. The wait list shall include a mix of applicants reflecting a proportion to the mix of those groups in the eligible population of the community to the extent possible. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the wait list. SNRHA will review these factors regularly to determine the need for and scope of marketing efforts.

All marketing efforts will include outreach to those least likely to apply. See Appendix E. Affirmatively Furthering Fair Marketing Policy.

<b>EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]</b>
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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; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, 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” is inclusive of, but 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 HCV program.

The above definition of disability determines whether an applicant / participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this definition 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 \$480 dependent 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 HCV program, yet an accommodation is needed to provide equal opportunity.



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## Chapter 3

### ELIGIBILITY

#### INTRODUCTION

SNRHA is responsible for ensuring every individual and family admitted to the HCV 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 the Public Housing Agency (PHA) to confirm eligibility and determine the level of the family's assistance. This Chapter defines both criteria for admission and denial of admission to the program. Applications are taken to compile a waiting list. The policy of this PHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply to ensure compliance with HUD criteria.

SNRHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information (if needed,) and to receive an explanation of the basis for any decision made by SNRHA pertaining to their eligibility.

In the case of disputes on eligibility/ineligibility criteria pending the outcome of legal proceedings (i.e., currently under appeal in a court of law,) SNRHA will determine the family to be ineligible at that time. If the legal decision is rendered that the person did meet the eligible factors, SNRHA shall restore the application to the original date and time, and reinstate the applicant to any other preference factors SNRHA has adopted. If the legal decision is rendered that the person did not meet the eligibility factors, SNRHA shall provide the applicant with access to the grievance process in accordance with applicable requirements.

To be eligible for the HCV program, the applicant family must:

1. Qualify as a family as defined by HUD and SNRHA,
2. Have income at or below HUD-specified income limits,
3. Qualify on the basis of citizenship or the eligible immigrant status of family members,
4. Contain at least one family member who is either a U.S. citizen or has eligible immigration status before SNRHA may provide any financial assistance,
5. Provide social security numbers for all family members in compliance with HUD's Rent Reform Notice effective January 2010, unless the family member is 62 or older as of January 2010 and already under the program,
6. SNRHA shall require social security numbers for all family members regardless of age in compliance with the federally mandated criminal record requirements for all adult family members,



7. Consent to SNRHA's collection and use of family information as provided for in SNRHA-provided consent forms,
8. Be represented by a head of household who is 18 or older or an emancipated youth at the time of application submission, and
9. Be eligible for assistance in accordance with the restrictions on assistance to students enrolled in an institution of higher education (24 CFR 5.612.)

SNRHA must determine the current or past behavior of household members does not include activities prohibited by HUD or SNRHA.

- Reasons for denial of admission are addressed in Chapter 12 under Denials/Termination of Assistance. These reasons for denial constitute additional admission criteria.
- 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.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and SNRHA 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 Assistance. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) causing SNRHA to deny assistance.

## **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 assisted unit. This part provides information needed to correctly identify family and household members, and to apply HUD's eligibility rules.

### **3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(c),] FR Notice 02/03/12; Notice PIH 2014-20**

The terms *family* and *household* have different meanings in the HCV program.

#### **Family**

To be eligible for assistance, an applicant must qualify as a family. *Family* as defined by HUD includes, but not limited to the following, regardless of actual or perceived sexual orientation, gender identify, or marital status, a single person, who may be an elderly person, a disabled person, non-elderly person, or any other single 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 family,) a non-elderly family, a disabled family, a displaced family, or the remaining member of a participant family. SNRHA has the discretion to determine if any other group of persons qualifies as a family. Equal access final rule requires all eligible individuals; regardless of sexual orientation, gender, or marital status; be considered a *Family*.

#### SNRHA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law; but who either can demonstrate they have lived together previously or certify each individual income and other resources will be available to meet the needs of the family. Each family must identify the individuals to be included in the family at the time of application, and must update this information in writing (within 10 calendar days of the change) if the family composition changes.

#### **Household**

*Household* is a broader term that includes additional people who, with SNRHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

#### ***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 the family fulfills all of its responsibilities under the program - alone or in conjunction with a co-head or spouse.

#### SNRHA 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. Head of household, for the purpose of determining who can remove a family member from the voucher or application, is defined as the person completing said field on the original application. The head of household cannot be switched after submission of an application prior to being housed, unless the head of household removes themselves; or as a result of VAWA after becoming a participant or the death of head of household (from page 3-5.)

#### **Spouse of Head**

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

For proper application of the Non-citizens Rule, the definition of spouse is: the married partner who, in orders to dissolve the relationship, and would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads when used in connection with the non-citizen rule.



## Co-Head

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent nor shall any family have more than one co-head.

### **3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF PARTICIPANT FAMILY**

#### **Family Break-up [24 CFR 982.315]; Notice PIH 2017-08]**

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

#### SNRHA 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 receiving assistance, only one of the new families will continue to be assisted.

In the absence of a judicial decision, or an agreement among the original family members, the Eligibility Manager or their designee will determine which family retains their placement on the waiting list, or will continue to receive assistance taking into consideration the following factors:

- (1) which family member applied as head of household (this will be given primary consideration),
- (2) the interest of any minor children, including custody arrangements,
- (3) the interest of any ill, elderly, or disabled family members,
- (4) any possible risks to family members as a result of domestic violence or criminal activity, and
- (5) the recommendations of social service professionals.

Documentation of these factors is the responsibility of the applicant families. If the families do not provide the documentation, they may be denied placement on the waiting list.

If there is a family break up of participants, only one of the new families will continue to receive assistance and that will be the head of household on the original application; unless, as a result of domestic violence which is reported and VAWA rules apply or judicial decision is provided to SNRHA.

#### Multiple Families in the Same Household



When families apply that consist of two families living together, (such as a mother, father, and a daughter with her own husband and/or children,) - if they apply as a family unit, they will be treated as a family unit.

### **Remaining Member of a Participant Family [24 CFR 5.403]**

The HUD definition of family includes the *remaining member of a participant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. 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 participant family” and there is no family member able to assume the responsibilities of the head of household, see Chapter 5 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 the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

#### SNRHA 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. Head of household for purpose of determining who can remove a family member from the voucher or application is defined as the person completing said field on the original application. The head of household cannot be switched after submission of an application prior to being housed, unless the head of household removes themselves; or as a result of VAWA after becoming a participant or the death of 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.

#### SNRHA Policy

A *marriage partner* includes the partner in a "common law" (or being recognized in the State of Nevada according to Senate Bill 283 domestic partner) marriage as defined in state law. The term “spouse” does not apply to friends, roommates, or significant others who are



not married partners. A minor who is emancipated under state law may be designated as a spouse or co-head.

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

### **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 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**

##### SNRHA Policy

Dependents are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant / participant family 51 percent of the time which shall be defined as 183 calendar days of the year, which does not have to run consecutively.

When more than one applicant / participant family is 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. SNRHA will make the determination based on available documents such as court orders.

Consideration may also be given to the person who receives the income for the care of the child.

### **3-I.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, p. 5-29]**

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 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 wage income of such an FTS is treated differently from the income of other family members.



### **3-I.H. ELDERLY AND NON-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403]**

#### **Elderly Persons**

An *elderly person* is a person who is at least 62 years of age.

#### **Non-Elderly Persons**

A *non-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 5.

### **3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403] FR Notice 02/02/12**

#### **Persons with Disabilities**

Under the HCV program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities. The detailed definitions of 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 persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, SNRHA must make all aspects of the HCV 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 5.

Even though persons with drug or alcohol dependencies are considered persons with disabilities for the purpose of non-discrimination, this does not prevent SNRHA from denying assistance for reasons related to alcohol and drug abuse following policies found in Part III of this chapter, or from terminating assistance following the policies in Chapter 12.

### **3-I.J. GUESTS [24 CFR 5.100]**

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has express or implied authority to so consent.

#### SNRHA Policy



A guest can remain in the assisted unit no longer than 30 consecutive calendar days or a total of 60 cumulative calendar days during any 12-month period. A minor with whom the family has shared custody shall be a guest up to 180 calendar days.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 40 consecutive calendar days.)

An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return. Approvals must be done, in writing prior to the guest remaining in the unit past 30 consecutive calendar days. The exception will be when guardianship is being processed and SNRHA has documents from the courts to verify the process has begun.

### **3-I.K. FOSTER CHILDREN AND FOSTER ADULTS**

*Foster adults* are usually persons with disabilities, unrelated to the participant family, who are unable to live alone [24 CFR 5.609.]

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults living with an applicant or assisted 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; HUD-50058 IB, p. 13.]

#### SNRHA Policy

A *foster child* is a child 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.

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HQS space standards according to 24 CFR 982.401.

Children 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, illness, incarceration, and court order.

#### **Definitions of Temporarily and Permanently Absent**

##### SNRHA Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive calendar 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 calendar days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

## **Absent Students**

### SNRHA Policy

When someone who has been considered a family member attends school for higher education away from home, the person will continue to be considered a family member unless information becomes available to SNRHA indicating the student has established a separate household or the family declares the student has established a separate household.

## **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.

### SNRHA Policy

If a child has been placed in foster care, SNRHA will verify with the appropriate agency if and when the child is expected to be returned to the home. Unless the agency confirms the child has been permanently removed from the home, the child will be counted as a family member. 'Permanently removed' is defined as more than 365 calendar days.

Failure, by the family, to report the absence of the children may result in termination from the program. The head of household is responsible for reporting this change in household composition in writing within 10 calendar days of the child(ren) being removed from the home.

**Absent Head, Spouse, or Co-head § 982.312:** If a family is going to be away from their unit for more than 30 calendar days they "must" report this information to SNRHA with an anticipated date of return.

### SNRHA Policy

An absent head, spouse, or co-head from the unit will continue to be considered a family member, unless:

- a legal separation or divorce has been applied for, or
- SNRHA's "Certification of Absent Spouse" form has been completed, or
- the individual has been removed from the household as covered in VAWA.

When any family member is absent for more than 30 calendar days, the head of household must notify SNRHA in writing of their departure and notify in writing when they return. An extended period is defined as any period greater than 30 calendar days.



Family members absent for more than 180 consecutive calendar days due to employment, student status (higher education,) or active duty in the military shall be considered a family member and income will be considered.

### **Family Members Permanently Confined for Medical Reasons [HCV GB, p. 5-22]**

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22.]

#### SNRHA Policy

SNRHA 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 the person not be considered a family member. ‘Permanent’ for this purpose is defined as 180 consecutive calendar days or more.

### **Return of Permanently Absent Family Members**

#### SNRHA Policy

The family must request SNRHA’s approval for the return of any adult family members SNRHA 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 CFR (982.316)**

*Live-in aide* means a person who resides with one or more elderly persons, or non-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] and must be 18 years of age.

SNRHA 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 the 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(b).] 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 participant family. In addition, an existing family member cannot become a live-in-aide for any household member.



### SNRHA Policy

A Live-in Aide may only reside in the unit with the approval of SNRHA. A family's request for a live-in aide must be made in writing or as an accommodation and can request staff assistance in completing a request as needed. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, non-elderly (50-61), or disabled family member.

For continued approval, the family and live-in aide will be required to submit a certification stating 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.

Income of the live-in aide will not be counted in the family's income.

The approval of a live-in aide shall increase the maximum permitted voucher size by 1-bedroom to accommodate the need for a live-in aide regardless if the live-in-aide has children or not. The voucher will not be increased prior to the Live-In-Aide being identified and approved.

Live-in aides are not subject to Non-Citizen Rule requirements.

Live-in aides may not be considered as a remaining member of the participant family.

Live-in aides must submit social security number verifications.

SNRHA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 982.316(b)]:

The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program, or

The person commits a drug-related criminal activity or violent criminal activity, or

The person currently owes rent or other amounts to SNRHA or to another PHA in connection with Section 8, Project-Based Section 8 or public housing assistance under the 1937 Act, or

The person has violated any family obligations under the program as published under CFR 982.551, or

The person has been convicted of manufacturing or producing methamphetamine on the premises of an assisted housing unit, or

The person has been evicted from any federally subsidized housing program for any reason, or

The person has been identified as someone who has to register as a sex offender, or

The person is not qualified to provide the needed care.



Within 14 business days of receiving a request for a live-in aide, including all required documentation/verification related to the request, SNRHA will notify the family of its decision in writing.

## **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 Housing Choice Voucher 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.

#### **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 982.201(b)]**

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 one of the following:

- An *extremely low-income* family
- A *very low-income* family
- A *low-income* family that has been "continuously assisted" under the 1937 Housing Act. A family is considered to be continuously assisted if the family is already receiving assistance under any 1937 Housing Act program at the time the family is admitted to the HCV program [24 CFR 982.4]

#### **SNRHA Policy**

SNRHA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time they were selected from SNRHA's waiting list.



- A *low-income* family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (public housing homeownership,) HOPE 2 (multifamily housing homeownership) developments, or other HUD-assisted multifamily homeownership programs covered by 24 CFR 248.173.
- A *low-income* or *moderate-income* family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing as defined in 24 CFR 248.101.

HUD permits SNRHA to establish additional categories of low-income families that may be determined eligible. The additional categories must be consistent with SNRHA plan and the consolidated plans for local governments within SNRHA's jurisdiction.

#### SNRHA Policy

SNRHA has not established any additional categories of eligible low-income families.

#### **Using Income Limits for Targeting [24 CFR 982.201]**

At least 75 percent of the families admitted to SNRHA's program during a SNRHA fiscal year must be extremely low-income families. HUD may approve exceptions to this requirement if SNRHA demonstrates it has made all required efforts, but has been unable to attract an adequate number of qualified extremely low-income families.

Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing displaced as a result of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not subject to the 75 percent restriction.

#### **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 SNRHA's Limited English Proficiency Plan, the notice must be in a language 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 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 claiming their status. However, HUD regulations permit SNRHA to request additional documentation of their status, such as a passport.

#### **SNRHA Policy**

Family members who declare citizenship or national status will not be required to provide additional documentation unless SNRHA receives information indicating an individual's declaration may not be accurate. SNRHA shall not provide assistance to any family prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

### ***Eligible Noncitizens***

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with SNRHA efforts to verify their immigration status as described in Chapter 6. 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) indicating their ineligible immigration status - regardless of citizenship status.

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 assistance 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 they may request a



hearing if they contest this determination. See Chapter 5 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)]**

A PHA 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 SNRHA that the individual or at least one family member is eligible. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to SNRHA in accordance with program requirements [24 CFR 5.512(a).]

SNRHA 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).

#### SNRHA Policy

SNRHA will not provide assistance to a family before the verification of the eligible citizenship status of at least one family member. The eligible member does not have to be an adult in order for SNRHA to assist the family.

When SNRHA determines an applicant family does not include any citizens, nationals, or eligible noncitizens upon completion of the verification process, the family will be sent a written notice within 14 business days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration 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 SNRHA. The informal hearing with SNRHA 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.

### **Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]**

For new occupants joining the assisted family, SNRHA 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, SNRHA must grant such an extension for no more than 30 calendar days [24 CFR 5.508(h)].

#### SNRHA Policy

SNRHA 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 2018-24**

SNRHA will require the disclosure of the SSN of all family members regardless of age if they have declared citizenship or eligible immigration status.

#### SNRHA Policy

SNRHA will follow this requirement.

Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is provided in Chapter 6.

If a new adult member is added to the family, the new member's SSN documentation must be submitted by the family at the time they are added to the household. If any member of the family obtains a previously undisclosed SSN, or has been assigned a new SSN, the documentation must be submitted within 90 calendar days.

According to HUD's Final Rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher Final Rule," participants adding children under the age of six (6), SNRHA shall require a social security card be provided within 90 days from the date of move in.

SNRHA must deny assistance to an applicant family if they do not meet the SSN disclosure, documentation and verification, and certification requirements contained in 24 CFR 5.216. SNRHA must terminate assistance of the entire family even if only one member of the family fails to provide required documentation for a social security number. Note: These requirements do not apply to noncitizens who do not content eligible immigration status.

### **3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230, HCV GB, p. 5-13]**

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 6 provides detailed information concerning the consent forms and verification requirements.

SNRHA must deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3).]

### **3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612 and FR Notice 4/10/06, FR Notice 9/21/16]**

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions related to the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.





If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, and does not have a dependent child, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with SNRHA policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

### **Definitions**

In determining whether and how the new eligibility restrictions apply to a student, SNRHA will rely on the following definitions [FR Notice 4/10/06, FR Notice 9/21/16.]

#### ***Dependent Child***

In the context of the student eligibility restrictions, *dependent child* means a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states the dependent must be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

#### ***Independent Student***

##### SNRHA Policy

SNRHA will consider a student "independent" from his or her parents and the parents' income will not be considered when determining the student's eligibility if the following four criteria are all met:

- The individual/student is of legal contract age under state law.
- The individual/student has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student.
  - To be considered an *independent student* according to the Department of Education, a student must meet one or more of the following criteria:
    - The individual is at least 24 years old by December 31 of the award year for which aid is sought.
    - The individual is an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older.



- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court or competent jurisdiction in the individual's state of legal residence.
- The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes.
- The individual is a graduate or professional student.
- The individual is married.
- The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent.)
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:
  - A local educational agency homeless liaison
  - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
  - A financial aid administrator
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
  - The individual/student was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.
  - The individual/student provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

If SNRHA determines an individual meets the definition of a *vulnerable youth*; such a determination is all that is necessary to determine the person is an *independent student* for the purposes of using only the student's income for determining eligibility for assistance

SNRHA will verify a student meets the above criteria in accordance with the policies in Section 6.

### ***Institution of Higher Education***

SNRHA will use the statutory definition under section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education* (see Exhibit 3-2.)



## ***Parents***

### SNRHA Policy

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent,) and guardians (e.g., grandparents, aunt/uncle, godparents, etc.)

## ***Veteran***

### SNRHA Policy

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

## **Determining Student Eligibility**

If a student is applying for assistance on his/her own, apart from his/her parents, SNRHA must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, SNRHA must ensure:

- (1) the student is individually eligible for the program
- (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and
- (3) the "family" with which the student is applying is collectively eligible for the program.

### SNRHA Policy

For any student who is subject to the 5.612 restrictions, SNRHA will:

- Follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program.
- Determine whether the student is independent from his/her parents in accordance with the definition of *independent student* in this section.
- Follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program.

If SNRHA determines the student, the student's parents (if applicable,) or the student's "family" is not eligible, SNRHA will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an informal review in accordance with the policies in Section 14.

## ***Determining Parental Income Eligibility***

### SNRHA Policy

For any student who is subject to the 24 CFR 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, SNRHA will determine the income eligibility of the student's parents as follows:



If the student's parents are married and living together, SNRHA will obtain a joint income declaration and certification of joint income from the parents.

If the student's parent is widowed or single, SNRHA will obtain an income declaration and certification of income from that parent.

If the student's parents are divorced or separated, SNRHA will obtain an income declaration and certification of income from each parent.

If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, SNRHA will require the student to submit a certification under penalty of perjury describing the circumstances and stating the student does not receive financial assistance from the other parent. SNRHA will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, SNRHA will use the income limits for the jurisdiction in which the parents live.

### **3.II.F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]**

If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, SNRHA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum)

### **3.II.G. CRIMINAL SCREENING [24 CFR 982.307]**

SNRHA will take into consideration all of the criteria for admission in Chapters 3 and 12.

SNRHA will conduct criminal screening on all families at the time of admission (including port-in participants) and at any other time required to verify reported incidents.

All incoming portables will also have criminal screening conducted. SNRHA will not hold up on leasing a client while awaiting results of such screening for portable families, but may terminate assistance if leased or deny assistance if not leased.

SNRHA will screen families for drug-related or criminal activity (Chapter 12- Denial or Termination of Assistance.) SNRHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy. FBI screenings shall be good for 12 months from date of approval.

Federal law states, notwithstanding any other provision of law, the National Crime Information Center (NCIC,) police departments, and other law enforcement agencies shall upon request, provide PHAs information regarding the criminal conviction records of adult applicants and adult participants.

This information is to be provided for persons 18 years of age or older or for those convicted of a crime as an adult.



These provisions of law pre-empt any contrary provision in State, local, or tribal laws, and prevail over any contrary federal requirements. These provisions do not pre-empt or limit any laws or authority that permits broader access to records.

SNRHA will utilize to the fullest extent of federal, state, and local laws all forms of criminal records for purposes of initial screening and/or participant termination.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before SNRHA's approval of the tenancy, SNRHA will inform the owner that screening and selection for tenancy is the responsibility of the owner. SNRHA will require the owner or manager to sign an acknowledgement of screening responsibility form that must be returned with the Request for Tenancy Approval (RFTA.)

**Owner Screening Factors Include: [24 CFR 982.307(a) (3)]**

- Payment of rent and utility bills
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others
- Compliance with other essential conditions of tenancy.

SNRHA will advise families how to file a complaint if they have been discriminated against by an owner. SNRHA will advise the family to make a Fair Housing complaint. SNRHA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization. SNRHA will further advise landlords regarding fair housing issues (to be included with the RFTA packet) and SNRHA's responsibility to enforce the same.

**3.II.H. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT**

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment. Changes must be reported within 10 calendar days and verification cannot be more than 60 calendar days old on date of issuance of the voucher.

**3.II.I. INELIGIBLE FAMILIES**

Families determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status. See Chapter 14, "Complaints and Appeals" for additional information about reviews and hearings.

***SNRHA further ensures all applicant/participant files are maintained in a confidential manner to ensure privacy. All eligibility requirements and rent calculation reported via MTCS for which SNRHA receives errors, are corrected when identified and retransmits to HUD. The data reported on the 50058 is also checked against file records during SNRHA's quality control.***



## **PART III: DENIAL OF ASSISTANCE**

### **3-III.A. OVERVIEW**

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In addition, HUD requires or permits SNRHA to deny assistance based on certain types of current or past behaviors of family members.

While the regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual's criminal history merits denial of admission.

When considering any denial of admission, PHAs may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of "One Strike" policies and reminds PHAs of their obligation to safeguard the due process rights of applicants and participants [Notice PIH 2015-19].

HUD's Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16].

#### **Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]**

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list.
- Denying or withdrawing a voucher.
- Not approving a request for tenancy or refusing to enter into a HAP contract.
- Refusing to process a request for or to provide assistance under portability procedures.

#### **Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), Pub.L. 109-162]**

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:



- Age, disability, race, color, religion, sex, or national origin. (See Chapter 2 for additional information about fair housing and equal opportunity requirements)
- Where a family lives prior to admission to the program.
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside SNRHA's jurisdiction (See Chapter 10, Portability.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
- Whether the family includes children.
- Whether a family decides to participate in a family self-sufficiency program.
- Whether or not a qualified applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking

### **3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]**

HUD requires SNRHA 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, SNRHA to admit an otherwise-eligible family if the household member has completed a SNRHA-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.)
- SNRHA determines any household member is currently engaged in the use of illegal drugs.

#### SNRHA Policy

*Currently engaged in* is defined as any use of illegal drugs during the previous three (3) months.

- SNRHA has reasonable cause to believe 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.
  - PHA Policy
  - In determining reasonable cause, the PHA 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. A record or records of arrest will not be used as the sole basis of determining reasonable cause. The PHA 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 on the premises of federally assisted housing (including Public Housing, Section 8 Tenant-Based, or Project-Based Units.)
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- Failure to provide verification of social security number as required by HUD via HUD's Rent Reform Notice effective January 2010.

SNRHA's policy as relates to mandatory denial of assistance is found in Chapter 12, Part I.

### **3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE**

HUD permits, but does not require, SNRHA to deny assistance for certain criminal activity.

SNRHA's policy as relates to permitted reasons for denial of assistance is found in Chapter 12, Part I.

### **3-III.D. SCREENING**

#### **Screening for Eligibility**

SNRHA is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to all SNRHA subsidized programs. This authority assists SNRHA in complying with HUD requirements and SNRHA 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, SNRHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903.]

#### SNRHA Policy

SNRHA will perform a criminal background check through law enforcement for every adult household member except Veteran Affairs Supportive Housing (VASH) applicants. For VASH, only sex offender information shall be considered. SNRHA shall use the DRU Sjo din National Sex Offender Public Website (NSOPW) database encouraged by HUD in PIH Notice 2012-28 at <http://www.nsopw.gov>.

SNRHA shall complete fingerprints and will request information from NCIC using a third party vendor for criminal background checks.

SNRHA will perform a check on the National Sex Offenders web site for every adult household member as well as a State Lifetime Sex Offender Registration check 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 982.553(a) (2) (i).] SNRHA shall aggressively pursue termination or assistance for participants subject to a lifetime registration requirement to the extent currently under law.





If SNRHA proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, SNRHA 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).] If the family requests the report after 30 days of the notice, the record may not be available.

SNRHA will take into consideration all of the criteria for admission in Chapter 12.

SNRHA will conduct criminal screening on all adult members at the time of admission and when deemed necessary as required to verify reported incidents.

#### SNRHA Policy

All incoming portables will also have criminal screening conducted. SNRHA will not hold leasing-up a client while awaiting results of such screening for portable families, but may terminate assistance if leased, or deny assistance if not leased.

SNRHA will screen families for drug-related or violent criminal activity (See Chapter 12.)

SNRHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

#### SNRHA Policy

Criminal screenings will be good for 12 months.

Federal law states, notwithstanding any other provision of law, the National Crime Information Center, police departments, and other law enforcement agencies shall upon request, provide PHA's information regarding the criminal conviction records of adult applicants and adult participants.

This information is to be provided for persons 18 years of age or older, or for those convicted of a crime as an adult.

These provisions of law pre-empt any contrary provision in State, local, or tribal laws, and prevail over any contrary federal requirements. These provisions do not pre-empt or limit any laws or authority that permits broader access to records.

SNRHA will utilize to the fullest extent of federal, state, and local laws all forms of criminal records for purposes of initial screening and/or participant termination.

#### **Screening for Suitability as a Tenant [24 CFR 982.307]**

SNRHA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy

The owner is responsible for screening and selection of the family to occupy the owner's unit. SNRHA must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: 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, and compliance with other essential conditions of tenancy.

HUD requires SNRHA provide prospective owners with the family's current and prior address (as shown in SNRHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits SNRHA provide owners with additional information, as long as families are notified the information will be provided, and the same type of information is provided to all owners.

#### SNRHA Policy

SNRHA will inform owners of their responsibility to screen prospective tenants, and will provide owners, when requested, with the required known name and address information, at the time of the initial HQS inspection or before. SNRHA will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

### **3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE**

SNRHA's criteria for denial of assistance is found in Chapter 12.

### **3-III.F. NOTICE OF ELIGIBILITY OR DENIAL**

If the family is eligible for assistance, SNRHA will notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 7.

If SNRHA determines a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a).] See Chapter 14, for informal review policies and procedures.

#### SNRHA Policy

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination.

If SNRHA 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 be provided to the subject of the record [24 CFR 5.903 (f) and 5.905 (d)] and SNRHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d).]

#### SNRHA Policy

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, SNRHA will notify the family in writing of the denial and provide a copy of the record to the applicant upon their request. The letter will advise the applicant of their right to dispute the accuracy and relevance of the record and shall further advise the applicant of their rights to request an informal review of the intended denial action. The record will be provided to the applicant in person upon presentation of valid government-issued photo identification. The family will be given 10 business days to dispute the



accuracy and relevance of the information. If the family does not contact SNRHA to dispute the information within that 10 business day period, SNRHA will proceed with issuing the notice of denial of admission. A family not exercising 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 review process.

Notice requirements related to denying assistance 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, sexual assault, or stalking are contained in Section 3-III.G.

### **3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING [Pub.L. 109-162]**

The Violence Against Women Reauthorization Act of 2013 (VAWA) and the HUD regulations at 24 CFR 5.2005(b) prohibits denial of admission to an otherwise qualified applicant on the basis or as a direct result of the fact the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. Specifically, Section 606(1) of VAWA adds the following provision to Section 8 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the Housing Choice Voucher program:

- An applicant or participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking is not an appropriate reason for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
- Additionally, VAWA 2013, extends housing protections to survivors of sexual assault and adds “intimate partner” to the list of eligible relations covered in the definition of *domestic violence*.

#### **Notification**

VAWA 2013 expanded notification requirements to include the obligation for SNRHA to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD-5380) and a Domestic Violence Certification Form (HUD-5382) at the time the applicant is denied.

#### **Definitions**

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 *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 *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 *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.
- The term *immediate family member* means, with respect to a person:
  - 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.
- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent

## **Notification and Victim Documentation**

### SNRHA Policy

SNRHA acknowledges a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors warranting denial under SNRHA's policies.

While SNRHA is not required to identify whether adverse factors resulting in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or



stalking. The applicant may inform SNRHA that their status as a victim is directly related to the grounds for the denial. The SNRHA will request the applicant provide enough information to the PHA to allow SNRHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

SNRHA will include (in its notice of denial) a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming the cause of the unfavorable history is a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

The documentation must include one of the following elements:

A signed statement by the victim providing the name of the perpetrator and certifies the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking, or

One of the following:

- a. A police or court record documenting the actual or threatened abuse, or
- b. A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.
- c. The HUD VAWA Certification form.

The applicant must submit the required documentation with her or his request for an informal review (see section 14) or must request an extension in writing at that time. If the applicant so requests, SNRHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has elapsed. If, after reviewing the documentation provided by the applicant, SNRHA determines the family is eligible for assistance, no informal review will be scheduled and SNRHA will proceed with admission of the applicant family.

## **Perpetrator Removal or Documentation of Rehabilitation**

### SNRHA Policy

In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, sexual assault, or stalking, SNRHA will proceed as above but will require, in addition, either (a) the perpetrator be removed from the applicant household and not reside in the assisted housing unit or (b) the family provide documentation the



perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.

If the family elects the second option, 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. This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

### **SNRHA Confidentiality Requirements**

All information provided to SNRHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact an individual is a victim of such abuse, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.



## 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; *or*

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 [42 U.S.C.6001(8),] which defines developmental disability in functional terms as:

A severe, chronic disability of a person 5 years of age or older which:

  - Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - Is manifested before the person attains age twenty-two;
  - Is likely to continue indefinitely;
  - Results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and responsive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; *and*
  - Reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.”
- Has a physical, mental, or emotional impairment 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 substantially limiting one or more major life activities; has a record of such an impairment; or is regarded as having such an 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, genitor-urinary, hemic and lymphatic, skin, and endocrine; or
- (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; or
- (c) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.





**EXHIBIT 3-2: DEFINITION OF INSTITUTION OF HIGHER EDUCATION  
[20 U.S.C. 1001 and 1002]**

**Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance; Notice [Federal Register, April 10, 2006]**

*Institution of Higher Education* shall have the meaning given this term in the Higher Education Act of 1965 in 20 U.S.C. 1001 and 1002.

*Definition of “Institution of Higher Education” From 20 U.S.C. 1001*

- (a) Institution of higher education. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” means an educational institution in any State that:
- (1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
  - (2) Is legally authorized within such State to provide a program of education beyond secondary education;
  - (3) Provides an educational program for which the institution awards a bachelor’s degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;
  - (4) Is a public or other nonprofit institution; and
  - (5) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution granted pre-accreditation status by such an agency or association recognized by the Secretary for the granting of pre-accreditation status, and the Secretary has determined there is satisfactory assurance the institution will meet the accreditation standards of such an agency or association within a reasonable time.
- (b) Additional institutions included. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term “institution of higher education” also includes—
- (1) Any school providing not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a) of this section; and
  - (2) A public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.
- (c) List of accrediting agencies. For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations the Secretary determines, pursuant to subpart 2 of part G of subchapter IV of this chapter, to be reliable authority as to the quality of the education or training offered.



*Definition of “Institution of Higher Education” From 20 U.S.C. 1002*

(a) Definition of institution of higher education for purposes of student assistance programs

(1) Inclusion of additional institutions. Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 includes, in addition to the institutions covered by the definition in section 1001 of this title:

(A) A proprietary institution of higher education (as defined in subsection (b) of this section);

(B) A postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) Only for the purposes of part B of subchapter IV of this chapter, an institution outside the United States comparable to an institution of higher education as defined in section 1001 of this title and has been approved by the Secretary for the purpose of part B of subchapter IV of this chapter.

(2) Institutions outside the United States

(A) In general. For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 1001 of this title (except a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001 (a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of subchapter IV of this chapter unless—

(i) In the case of a graduate medical school located outside the United States—

(I)(aa) At least 60 percent of those enrolled (and at least 60 percent of the graduates) in the graduate medical school outside the United States were not persons described in section 1091(a) (5) of this title in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; and

(bb) At least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; or

(II) The institution has a clinical training program approved by a State as of January 1, 1992; or



- (ii) In the case of a veterinary school located outside the United States not meeting the requirements of section 1001(a)(4) of this title, the institution's students complete their clinical training at an approved veterinary school located in the United States.
  - (B) Advisory panel
    - (i) In general. For the purpose of qualifying as an institution under paragraph (1) (C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall:
      - (I) Evaluate the standards of accreditation applied to applicant foreign medical schools; and
      - (II) Determine the comparability of those standards to standards for accreditation applied to United States medical schools.
    - (ii) Special rule. If the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 1001 of this title.
  - (C) Failure to release information. The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part B of subchapter IV of this chapter.
  - (D) Special rule. If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part B while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.
- (3) Limitations based on course of study or enrollment. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution:
- (A) Offers more than 50 percent of such institution's courses by correspondence, unless the institution is an institution meeting the definition in section 2471 (4) (C) of this title;
  - (B) Enrolls 50 percent or more of the institution's students in correspondence courses, unless the institution is an institution meeting the definition in such section, except the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;



- (C) Has a student enrollment in which more than 25 percent of the students are incarcerated, except the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or
  - (D) Has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.
- (4) Limitations based on management. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if:
- (A) The institution, or an affiliate of the institution having the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except this paragraph shall not apply to a nonprofit institution, the primary function is to provide health care educational services (or an affiliate of such an institution having the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under chapter 11 of title 11 between July 1, 1998, and December 1, 1998; or
  - (B) The institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, or has been judicially determined to have committed fraud involving funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.
- (5) Certification. The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part G of subchapter IV of this chapter.
- (6) Loss of eligibility. An institution of higher education shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution is removed from eligibility for funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 as a result of an action pursuant to part G of subchapter IV of this chapter.



(b) Proprietary institution of higher education

- (1) Principal criteria. For the purpose of this section, the term “proprietary institution of higher education” means a school that—
  - (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
  - (B) Meets the requirements of paragraphs (1) and (2) of section 1001 (a) of this title;
  - (C) Does not meet the requirement of paragraph (4) of section 1001 (a) of this title;
  - (D) Is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part G of subchapter IV of this chapter;
  - (E) Has been in existence for at least 2 years; and
  - (F) Has at least 10 percent of the school’s revenues from sources not derived from funds provided under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, as determined in accordance with regulations prescribed by the Secretary.
- (2) Additional institutions. The term “proprietary institution of higher education” also includes a proprietary educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) Postsecondary vocational institution.

- (1) Principal criteria. For the purpose of this section, the term “postsecondary vocational institution” means a school that”
  - (A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;
  - (B) Meets the requirements of paragraphs (1), (2), (4), and (5) of section 1001 (a) of this title; and
  - (C) Has been in existence for at least 2 years.
- (2) Additional institutions. The term “postsecondary vocational institution” also includes an educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.



## **EXHIBIT 3-3: HCV STUDENT ELIGIBILITY CRITERIA**

Eligibility of Students for Assisted Housing under Section 8 of the U.S. Housing Act of 1937

### **Summary**

On December 30, 2005, HUD published a final rule (FR-5036-F-01,) entitled, “Eligibility of Students for Assisted Housing under Section 8 of the U.S. Housing Act of 1937,” implementing section 327 of the Appropriations Act of Fiscal Year (FY) 2006.

The final rule became effective January 30, 2006. In brief, the law and final rule requires if a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, is unmarried, does not have a dependent child, is individually ineligible for section 8 assistance, or the student’s parents are, individually or jointly, ineligible for assistance, no section 8 assistance can be provided to the student.

To assist PHAs in implementing the new law and final rule, and to ensure section 8 assistance is provided to those truly in need of and eligible for assistance, the Department issued supplemental guidance on April 10, 2006, entitled, “Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplemental Guidance.”

Following are two groups of questions and answers: Group I and Group II concerning Section 327 of the Act and the implementing final rule. Group III is definitions.

#### Group I:

- Section 8 eligibility
- Income determinations
- Rent

#### Group II:

- Applicability
- Agency policies
- Reexamination of Family Income
- Reexamination of Family Income and Termination of Assistance
- Pro-ration of Assistance

#### Group III:

- HCV Student Rule Definitions



**Group I: Section 8 Eligibility, Income Determinations, and Rent**

	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F-01</b>	<b>Question</b>	<b>Answer</b>
<b>1</b>	Sections 327(a) and (b)	Section 5.612 and 5.609(b)(9)	Does the Act and final rule apply to the Public Housing program?	No. The Act and the implementing final rule (FR-5036-F-01) does not apply to the Public Housing program. The Act and final rule apply only to Section 8 programs.
<b>2</b>	Sections 327(a) and (b)	Section 5.612 and 5.609(b)(9)	Does the Act and final rule apply to students that currently reside with parents in a section 8 rental assisted unit or students applying for section 8 assistance with their parents?	No. The new law and final rule does not apply to these students. The law and final rule focus on students who are under the age of 24, are not veterans, are unmarried, or are without children who seek or receive Section 8 assistance separate from their parents.
<b>3</b>	Section 327(a)(1)	Section 5.612(a)	Does the student eligibility requirements apply to full and part-time students who are enrolled at an institution of higher education?	Yes. The eligibility requirements apply to both full and part-time students enrolled at an institution of higher education, as defined under 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).
<b>4</b>	Section 327(a)(1)-(6)	Section 5.612(a)-(f)	Does the Act and final rule provisions mean a student enrolled at an institution of higher education who is under the age of 24, not a veteran, unmarried, and does not have any dependent children applying for Section 8 assistance in the Section 8 program is ineligible for Section 8 assistance?	Yes. The Act and final rule provisions mean a student enrolled at an institution of higher education who is under the age of 24, not a veteran, unmarried, and does not have any children IS NOT ELIGIBLE for Section 8 programs, jointly, are income eligible for Section 8 assistance.



	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F-01</b>	<b>Question</b>	<b>Answer</b>
<b>5</b>	Section 327(a)(6)	Section 5.612(f)	Concerning the eligibility of parents, individually or jointly, do parents have to meet all HUD program eligibility requirements in order for the student to be eligible for Section 8 housing assistance?	No. Since Section 327 is focused on income eligibility of a higher education student, the Department interprets the section's reference to the eligibility of the parents to also refer to income eligibility.





	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F-01</b>	<b>Question</b>	<b>Answer</b>
6	Section 327(a)(6)	Section 5.612(f)	Also concerning the eligibility of parents, individually or jointly, how does the PHA know whether to determine the eligibility of the parents “individually” or “jointly”? Are there any established criteria a PHA may use in making this determination?	<p>PHAs may adopt and implement the following criteria for determining whether to obtain the declaration and certification of income from parents, individually or jointly. If the student’s parents are married and living with each other, obtain the declaration and certification of income from each parent.</p> <ul style="list-style-type: none"> <li>• If the student’s parent is widowed or single, obtain the declaration and certification of income from that parent.</li> <li>• If the student’s parents are divorced or separated, obtain the declaration and certification of income from each parent.</li> <li>• If the student has been living with one of his or her parents and has not had contact with or does not know where to contact his or her other parent, obtain from the student a certification under penalty of perjury, addressing the circumstances (including a statement the student has not received financial assistance from the parent) and obtain from the parent whom the student has been living or has contact with the declaration and certification of income.</li> </ul>



	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F-01</b>	<b>Question</b>	<b>Answer</b>
7	Section 327(a)(6)	Section 5.612(f)	In determining the eligibility of the parent(s) to receive assistance, which HUD Income Limit area should the PHA use: the income limit for the area where the student intends to reside, or the income limit for the area where the parent(s) currently resides? For example, if the student is applying for Section 8 housing assistance in Johnson City, Tennessee, but the parent(s) lives in New York City, New York, which HUD Income Limit area should be used in determining the parent(s) program eligibility?	The PHA should use the Income Limit for the area where the parent(s) resides (24 CFR 982.201(b) (4).) In the example provided, the PHA should use the income limit for the area in New York where the parent(s) lives.
8	Section 327(a)(6)	Section 5.612(f)	Which income limit (i.e., extremely low income, very-low income, or low income) should a PHA use in determining the income eligibility of the parent(s)?	Both students and parents must meet the low-income limit.
9	Section 327(a)(6)	Section 5.612(f)	How should the PHA define parents?  What if the student lives with a grandparent, aunt, uncle, guardian, etc.; do they have to meet the qualifications also?	For purposes of the student eligibility restrictions, and consistent with longstanding HUD policy regarding eligibility for the section 8 programs, the term “parents” means the biological or adoptive parents, or guardians (e.g., stepparents, grandparents, aunt/uncle, godparents, etc.), or such other definition as may be adopted by the PHA, Owner, or Manager through appropriate amendment to its admissions policies.



	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F-01</b>	<b>Question</b>	<b>Answer</b>
<b>10</b>	Section 327(a)(6)	Section 5.612(f)	<p>In admitting college students to Section 8 rental programs, it appears the PHA will now have to determine the eligibility of the:</p> <ol style="list-style-type: none"> <li>1. Student</li> <li>2. Parent(s), unless the income of the student is demonstrated to the absence of, or his/her independence from parent(s)</li> <li>3. Student family household</li> </ol>	<p>Correct. The PHA will have to determine the eligibility of each student family member, parents (in cases where the student has not established independence from parents), and the student family household as a unit. For example, three college students applying for Section 8 rental housing assistance, as a family unit, would have to be income eligible for Section 8 assistance (24 CFR 982.201.) Also, under 5.612(f), each student individually would have to be eligible and the parent(s) of each student would have to be the student's parents is not relevant or the student can eligible for Section 8 rental assistance, unless the student can show the income of the student's parents is not relevant or the student can demonstrate to the absence of, no financial support from parent(s) or his or her independence from, parents.</p>



	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F-01</b>	<b>Question</b>	<b>Answer</b>
<b>11</b>	Section 327(b)	Section 5.609(b)(9)	What exactly are the types of “financial assistance” under the Higher Education Act of 1965 that must be considered as income under Section 327?	Types of financial assistance under the Higher Education Act of 1965 would include: the Pell Grant, the Federal Supplemental Educational Opportunity Grant (FSEOG), and Academic Achievement Incentive Scholarships, State assistance under the Leveraging Educational Assistance Partnership Program, the Robert C. Byrd Honors Scholarship Program, and federal Work-Study (FWS) programs. Although considered “financial assistance” under the Higher Education Act of 1965, Perkins loans, Stafford loans, and Plus loans are not considered income for purposes of determining student eligibility for Section 8 housing assistance. For complete information, see Title IV, Part A, under the Higher Education Act of 1965, as amended, located at: <a href="http://www.ed.gov/policy/highered/leg/hea98/index.html">http://www.ed.gov/policy/highered/leg/hea98/index.html</a>
<b>12</b>	Section 327(b)	Section 5.609(b)(9)	Is the income students receive from federal Work-Study (FWS) programs considered earned income for purposes of determining income eligibility?	Yes. It is considered financial assistance under the Higher Education Act of 1965. If its financial assistance under the Act, then it is counted as income under Section 327.



**Group II: Applicability, Agency Policies, Verifications/Reexaminations, Continuation and Termination of Assistance (24 CFR 982.552(b) (5))**

	Category	Question	Answer
13	Applicability	Will the students currently participating in HUD's Section 8 program be grandfathered into the program? Does the rule apply to existing Section 8 student participants?	No. Neither Section 327 nor the final rule provides for a grandfathering clause for current Section 8 student participants. Therefore, Section 327 and the final rule apply to existing Section 8 student participants. However, as previously stated, the law and final rule does not focus on students residing with their parents in a Section 8 assisted unit or students who reside with their parents who are applying to receive Section 8 assistance. Rather, it focuses on certain students who seek or receive Section 8 assistance separate from their parents.
14	Agency Policies	Do PHAs have to update their Administrative Policies (24 CFR 982.54) before implementing Section 327 and final rule?	Yes. PHAs must immediately update their Administrative Plans to reflect discretionary policies concerning the new income eligibility restrictions for students (24 CFR 982.54.)
15	Verifications	Will PHAs now be required to obtain income information on the parents, in determining the eligibility of parents for Section 8 rental assistance?	Yes. To satisfy this requirement, PHAs may accept from a parent(s) a declaration <and> certification of income, which includes a penalty of perjury. The PHA retains the right to request and review, supporting documentation at any time the PHA determines the declaration, certification, and eligibility are in question. Supporting documentation includes, but is not limited to: IRS tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, Temporary Assistance to Needy Families (TANF) award letter, Social Security Administration (SSA) award letter, and other official and authentic documents from a federal, State, or local agency.



	<b>Category</b>	<b>Question</b>	<b>Answer</b>
<b>16</b>	Verifications	Since Section 8 assistance can no longer be provided to certain students (24 CFR 5.612,) and this may include a parent’s income reexamining eligibility test, does this mean PHAs will have to verify the parent’s income eligibility annually, during reexamination, to determine whether the student continues to be eligible for the program after admissions? Prior to the effective date of the final rule, PHAs administering Section 8 programs did not have to verify the income of eligibility (i.e., family meets income limits) of the family after admissions.	PHAs administering the Section 8 program will have to verify the income eligibility of the parent(s), at least annually, to determine whether the student remains eligible for the Section 8 program. In accordance with 24 CFR 982.552(b)(5,) if after the parent’s income, the student is determined to be ineligible for Section 8 assistance, as specified in 24 CFR 5.612, the PHA must terminate assistance to that family member (i.e., student.) Again, the family is entitled to an informal hearing to discuss the termination of assistance.
<b>17</b>	Reexamination of Family Income	The preamble of the final rule “strongly encourages PHAs, Owners, and Management Agents administering Section 8 programs to, as soon as it is practicable, recertify existing Section 8 participants having family members that may meet the requirements of Section 327 of the Act.” What does this mean? What happens if the PHA cannot recertify Section 8 participants until the family’s next annual recertification? Will the PHA be penalized?	HUD understands some PHAs may not have the resources or the capability to recertify participant family income until the family’s next annual recertification. However, in order to remedy the problem of ineligible college students participating in HUD’s Section 8 rental assistance programs, as quickly as possible, the Department recommends recertification sooner rather than later (i.e., as soon as it is practicable.) If a PHA is unable to recertify family income until the next annual reexamination, that PHA will not be penalized. The latest time, however, the eligibility and income requirements can be implemented is at the time of annual reexamination.
<b>18</b>	Reexamination of Family Income and Termination of Assistance	As it concerns 24 CFR 982.552(b)(5) of the final rule, if after reexamining a student household’s income (the student’s or parent(s) income,) the PHA determines the student is no longer eligible for Section 8 rental assistance, is the student family entitled to a grievance hearing?	Yes. Applicant and participant student households are entitled to request and receive an informal hearing to discuss the reasons for the denial or termination of assistance, in accordance with established program procedures and requirements (See 24 CFR 982.554 and 24 CFR 982.555, respectively.)



	<b>Category</b>	<b>Question</b>	<b>Answer</b>
<b>19</b>	Continuation and Termination of Assistance	Scenario I: Three full-time college students apply for Section 8 housing. Two are eligible under Section 327(a) of the Act and 24 CFR 5.612 of the final rule, and one student is ineligible. Does the PHA deny Section 8 rental housing assistance to the entire family—all three students—or can the student family choose to remove the ineligible student from the family application so the two eligible students can be admitted to the program?	In scenario I described, the PHA will notify the applicant student family of its decision to deny assistance to the student household because of one of the student's ineligibility for Section 8 assistance. The notice will state the student household may request an informal review of the PHA's decision and how to obtain the review (24 CFR 982.554.) During the informal review, the student family may choose to remove the ineligible student from the family application for assistance so the two eligible students may be admitted to the program. The PHA must notify the student household of the PHA's final decision after the informal review, including a brief statement of the reasons for the final decision.
<b>20</b>	Continuation and Termination of Assistance	Scenario II: Three full-time college students are residing in a Section 8 rental assistance unit. Two are eligible under Section 327(a) of the Act and 24 CFR 5.612 of the final rule, and one student is ineligible. Does the PHA terminate the Section 8 rental assistance to the entire family—all three students—or can the student family choose to remove the ineligible student from the student household so the two eligible students can continue to be assisted under the program.	In scenario II described, the PHA will notify the student household of its decision to terminate Section 8 rental assistance to the family. The notice will contain a brief reason for the PHA's decision (i.e., ineligibility of a college student 24 CFR 5.612) and inform the student household of its right to an informal hearing. For the Housing Choice Voucher (HCV) program, eligible students residing in households with ineligible students shall not have their assistance terminated, but shall be issued a voucher to move with continued assistance in accordance with program regulations or shall be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit. HUD will issue separate guidance for PHAs administering the Moderate Rehabilitation, Project-Based Certificate, and Project- Based Voucher programs.
<b>21</b>	Pro-ration of Assistance	Can the PHA prorate the student household's assistance, based on a percentage of the total number of members of the family household that are eligible for assistance?	No. PHAs may not prorate assistance to family households composed of eligible and ineligible students.



**Group III: HCV Student Rule Definitions**

	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F- 01</b>	<b>Question</b>	<b>Answer</b>
<b>22</b>	Section 327(a)(1)	Section 5.612(a)	What is the definition of an institution of higher education under section 102 of the Higher Education Act of 1965?	Also provided in Appendix A of the supplemental guidance, a complete definition of an institution of higher education under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) can be found on GPO Access, United States Code Main Page at: <a href="http://www.gpoaccess.gov/uscode/index.html">http://www.gpoaccess.gov/uscode/index.html</a> .
<b>23</b>	Section 327(a)(3)	Section 5.612(c)	What is the definition of a “veteran”?	For purposes of administering the student eligibility restrictions, PHAs may find it useful to adopt the term “veteran” as used by the Department of Veterans Affairs (38 U.S.C. 101(2)): (2) the term “veterans” means a person who served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable. A complete definition of veteran (38 U.S.C. 101) can be found on GPO Access, United States Code Main Page at: <a href="http://www.gpoaccess.gov/uscode/index.html">http://www.gpoaccess.gov/uscode/index.html</a> .





	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F-01</b>	<b>Question</b>	<b>Answer</b>
<b>24</b>	Sections 327(a) and (b)	Sections 5.612(e) and 5.609(b)(9)	As used in the Act and final rule, how are the terms “dependent child” and “dependent children” defined?	“Dependent child” and “dependent children,” as used in the Act and final rule, have the same meaning as provided at 24 CFR 5.603: 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 a person with a disability, or is a full-time student. To be sure, the child or children must reside in the student family household.
<b>25</b>	Section 327(b)	Section 5.609(b)(9)	Does financial assistance include federal, State, and local grants, scholarships, and loans?  Section 327(b) states: “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 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 for a person over the age of 23 with dependent children.”	Student financial assistance, as used in the Act and final rule, means any assistance (in excess of amounts received for tuition) that an individual receives: <ul style="list-style-type: none"> <li>1. Under the Higher Education Act of 1965</li> <li>2. From private sources</li> <li>3. From an institute of higher education</li> </ul> Such financial assistance may include federal, State, and local grants and scholarships (athletic and academic,) fellowships and student educational financial assistance from parents, guardians, or other persons residing outside of the student family household. HUD has interpreted the term “financial assistance,” as used in Section 327(b) to not include loan proceeds for the purpose of determining income.



	<b>Section 327 of the FY 2006 Appropriations Act</b>	<b>Final Rule, FR-5036-F- 01</b>	<b>Question</b>	<b>Answer</b>
<b>26</b>	Section 327(b)	Section 5.609(b)(9)	In the new law, how is 'student' defined?	Student means all students enrolled either full-time or part-time at an institution of higher education. The new law does not exempt part-time students.
<b>27</b>	Section 327(b)	Section 5.609(b)(9)	What is included in tuition? Does it include other fees charged by the educational institution?	Tuition shall have the meaning given this term by the institution of higher education in which the student is enrolled.



## Chapter 4

### **APPLICATIONS, WAITING LIST, PREFERENCES; MAINTAINING THE WAITING LIST AND PARTICIPANT SELECTION**

[24CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 902.205, 982.206]

#### **INTRODUCTION**

When a family wishes to receive Section 8 HCV assistance, the family must submit an application providing SNRHA with the information needed to determine the family's eligibility. HUD requires SNRHA to place all families applying for assistance on a waiting list. When HCV assistance becomes available, SNRHA must select families from the waiting list in accordance with HUD requirements and SNRHA policies as stated in the Administrative Plan and the Annual Plan.

SNRHA is required to adopt a clear approach to accepting applications, placing families on the *waiting list, 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 SNRHA to receive preferential treatment. Funding earmarked exclusively for families with particular characteristics may also alter the order in which families are served.

HUD regulations require all families have an equal opportunity to apply for and receive housing assistance, and SNRHA affirmatively furthers fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1.] Adherence to the selection policies described in this chapter ensures SNRHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

It is SNRHA's objective to ensure families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

This chapter describes HUD and SNRHA's policies for taking applications, managing the waiting list, and selecting families for HCV assistance. 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 SNRHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies governing how SNRHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process SNRHA will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies guiding SNRHA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure SNRHA has the information needed to make a final eligibility determination.



## **PART I: THE APPLICATION PROCESS**

### **4-I.A. OVERVIEW**

This part describes the policies guiding SNRHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility affecting placement of the family on the waiting list. This part also describes SNRHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP.) This chapter explains the local preferences which SNRHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences, and explains SNRHA's system of applying them.

### **4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16]**

Any family wishing to receive HCV assistance must apply for admission to the program. HUD permits SNRHA to determine the format and content of HCV applications, as well how such applications will be made available to interested families and how applications will be accepted by SNRHA.

#### SNRHA Policy

SNRHA will use a pre-application process when it is expected that a family will not be selected from the waiting list for at least 60 calendar days from the date of application. Under the two-step application process, SNRHA 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 level of assistance when the family is selected from the waiting list.

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

### **4.1.C. WAITING LIST [24 CFR 982.204]**

SNRHA uses a single waiting list for admission to its Section 8 tenant-based assistance program. Except for Special Admissions and project-based participants who are eligible to now receive tenant-based assistance (a separate list is maintain for project-based relocations into tenant-based program when funding is not available,) applicants will be selected from SNRHA waiting list in accordance with policies, preferences, and income targeting requirements defined in this Administrative Plan.

### **4-I.D. ACCESSIBILITY OF THE APPLICATION PROCESS**

#### **Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]**

SNRHA must take a variety of steps to ensure the application process is accessible to those people who might have difficulty complying with the normal, standard PHA application process. This



could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP.) SNRHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or SNRHA must provide an alternate approach providing full access to the application process. Chapter 2 and Addendum “A” provides a full discussion of SNRHA’s policies related to providing reasonable accommodations for people with disabilities.

### **Limited English Proficiency**

SNRHA is required to take reasonable steps to ensure meaningful access to their programs and activities by persons with Limited English Proficiency (LEP) [24 CFR 1.] Chapter 2 and Addendum “B” provides a full discussion on SNRHA’s policies related to ensuring access to people with Limited English Proficiency.

### **4-I.E. PLACEMENT ON THE WAITING LIST**

SNRHA must review each complete application received and make a preliminary assessment of the family’s eligibility. SNRHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2).] Where the family is determined to be ineligible, SNRHA must notify the family in writing [24 CFR 982.201(f).] Where the family is not determined to be ineligible, the family will be placed on a 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 [24 CFR 982.202(c).]

### **Ineligible for Placement on the Waiting List**

#### SNRHA Policy

If SNRHA can determine a family is ineligible from the information provided, the family shall be withdrawn from the waiting list. When preliminary applications are received and the application is incomplete or the family is deemed ineligible, (i.e. over income limits,) the family’s preliminary application shall be withdrawn and a notice sent to the applicant. Where a family is determined to be ineligible, SNRHA will send written notification of the ineligibility determination within 10 business days of receiving a complete application or other items that verify ineligibility status. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 14.)

### **Eligible for Placement on the Waiting List**

#### SNRHA Policy

SNRHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a complete application.



Placement on the waiting list does not indicate the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list and the eligibility process has been completed.

Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and the date and time their complete application is received by SNRHA.

## **PART II: MANAGING THE WAITING LIST**

### **4-II.A. OVERVIEW**

SNRHA must have policies regarding 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 no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how SNRHA may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

#### SNRHA Policy

In the case of disputes on eligibility/ineligibility criteria pending the outcome of legal proceedings (i.e., currently under appeal in a court of law,) SNRHA will determine the family to be ineligible at that time. If the legal decision is rendered that the person did meet the eligible factors, SNRHA shall restore the application to the original date and time, and reinstate the applicant to any other preference factors SNRHA has adopted. If the legal decision is rendered that the person did not meet the eligibility factors, SNRHA shall only provide the applicant with access to the grievance process in accordance with applicable requirements.

### **4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]**

SNRHA's HCV waiting list must be organized in such a manner to allow SNRHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name
- Family unit size
- Date and time of application
- Qualification for any local preference
- Racial or ethnic designation of the head of household.



### SNRHA Policy

SNRHA will maintain information permitting proper selection from the waiting list. The waiting list contains the following information for each applicant listed:

- Applicant Name
- Family Unit Size (number of bedrooms family qualifies for under SNRHA subsidy standards)
- Date and time of application
- Qualification for any local preference
- Racial or ethnic designation of the head of household
- Disabled Applicant (head of household/spouse/co-head)
- Applicable income limit

HUD requires SNRHA maintains a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

### SNRHA Policy

SNRHA will maintain a single waiting list for the HCV program. However, if the HCV waiting list is open when the applicant is placed on the public housing program waiting list or Section 8 project-based waiting list, SNRHA must offer to place the family on its tenant-based assistance list.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

### SNRHA Policy

SNRHA will not merge the HCV waiting list with the waiting list for any other program SNRHA operates.

## **4-II.C. SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]**

### SNRHA Policy

If HUD awards SNRHA program funding targeted for specifically named families, SNRHA will admit these families under a Special Admission procedure. SNRHA shall grant preferences to families of federally declared disasters who are Housing Choice Voucher holders, or of other eligible program as defined by HUD in another jurisdiction and other eligible disaster affected families who are income eligible up to the approved allocation. These persons will receive preferences over other waiting list placeholders and be treated as special admissions.

Special admissions families will be admitted outside of the regular waiting list process. They may not have to qualify for any preferences, unless required by HUD or the PHA, nor are they required to be on the program waiting list prior to the award of the funding.



SNRHA maintains separate records of these admissions and shall code them on any waiting list if entered. The waiting list may or may not have to be opened to serve these families as directed by HUD.

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

- A family displaced because of demolition or disposition of a public or Indian housing project
- A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project
- For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990
- A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project
- A family admitted due to a special funding allocation which does not require waiting list placement such as Mainstream Voucher, Welfare to Work or Designated, Family Unification Vouchers, Former Foster Youth Vouchers and Relocation Vouchers.

Applicants, who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the automated system. Additionally, project based participants who are eligible to receive a tenant-based voucher after one year of tenancy shall be provided with a voucher without placement on SNRHA's waiting list, if funding is available and if they have provided proper notice to their management company and meet other eligibility requirements, including being in compliance with their lease and family obligations.

HUD directs a family applying for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program SNRHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

#### **4-II.D. OTHER HOUSING ASSISTANCE [24 CFR 982.205(b)]**

Other housing assistance means a federal, State or local housing subsidy, as determined by HUD, including public housing.

SNRHA may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]

- Refuse to list the applicant on SNRHA waiting list for tenant-based assistance





- Deny any admission preference for which the applicant is currently qualified
- Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under SNRHA selection policy, or
- Remove the applicant from the waiting list.

#### **4-II.E. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]**

##### **Closing the Waiting List**

SNRHA is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, SNRHA may elect to continue to accept applications only from certain categories of families meeting particular preferences or funding criteria.

##### SNRHA Policy

SNRHA will close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches an estimated 24 months for the most current applicants. Where SNRHA has particular preferences or funding criteria requiring a specific category of family, SNRHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

All decisions to close the waiting list shall be made by the Director of Housing Programs or their designee, based on the number of applicants on the waiting list and projected future funding. Written notice shall be published when the waiting list is to be closed.

##### **Reopening the Waiting List**

If the waiting list has been closed, it cannot be reopened until SNRHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

##### SNRHA Policy

SNRHA will announce the reopening of the waiting list at least 15 calendar 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. SNRHA may also limit the number of applications accepted for a particular preference or total number of applications to be accepted as long as this is included in the public announcement.

#### **4.II.F. APPLYING FOR ADMISSION**

Applications are taken to compile a waiting list.

##### SNRHA Policy

SNRHA's waiting list for its Housing Choice Voucher Program will remain closed until it is determined the number of applicants on the list is insufficient to provide all the applicants needed for the next three (3) months in order to properly utilize funding. The number



needed will be based on the number of vouchers available or expected to become available over the next 24 months, the experience of the Authority regarding the number of applicants who are expected to successfully complete the process of establishing their eligibility, and the number of eligible applicants who are expected to successfully lease units under the Housing Choice Voucher Program. The Authority's goal is to keep its utilization rate as high as possible.

All persons who wish to apply for any of SNRHA's programs must submit a pre-application via telephone or written format, or as otherwise advised in SNRHA's public notice. No other applications shall be accepted that are not submitted as required in the public notice. If SNRHA accepts written applications, they will be made available in an accessible format upon request from a person with a disability and it has been advertised that pre-applications shall be submitted in writing.

SNRHA may use a lottery system when opening its waitlist and may incorporate online applications. The method of application acceptance shall be included in the public announcement. If utilized, applicants shall be placed on the waitlist using a lottery system. Once each application has been randomly assigned a number, the applications will be placed on the waiting list in order of the assigned numbers. Lottery shall not be used for special admissions and/or when opening special funding HCV programs such as Non-Elderly Disabled (NED) or Mainstream.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format. This only applies when it has been advertised that written pre-applications will be accepted. As a reasonable accommodation when pre-applications are taken only via telephone, another individual or agency may call into the designated phone line with the required information to get the applicant placed on our waiting list.

Bi-lingual staff is available and specific phone lines announced in the opening advertisement for Spanish speaking applicants who have LEP. Multiple social service agencies are sent (faxed) notices advising them of when SNRHA will open its waiting list and all requirements, including the lines for LEP persons and how they can assist disabled clients. Anyone can call in for another person as long as they have that person's basic information required for a pre-application. The information required is inclusive of the applicant's name, address, social security number, birthdates, income and source of income, and disability status.



The full application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for accommodation is requested by a person with a disability. Staff shall provide such assistance or the family may elect to have another individual with power of attorney complete their documents. Applicants will then be interviewed by SNRHA's staff to review the information on the full application form. Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at this time. The full application will also include questions asking all applicants whether reasonable accommodations are required and information shall be provided to instruct applicants on how to request this accommodation. These reasonable accommodation brochures are available in the Admissions lobby.

#### **4.II.G. MANAGEMENT OF THE WAITING LIST**

SNRHA will administer its waiting list as required by 24 CFR 982.204, 982.206, 982.207, and 982.158.

##### SNRHA Policy

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

1. Records providing income, racial, ethnic, gender, and disability status data on program applicants will be maintained for three years.
2. An application from each ineligible family and a notice the applicant is not eligible will be maintained for three years.
3. All applicants on the waiting list will be maintained in order of selection, according to preference, date and time of application receipt. All applicants with equal preference will be maintained by date and time sequence.
4. Disabled applicant families will be identified as such on the waiting lists.

#### **4.II.H. TIME OF SELECTION**

##### SNRHA Policy

When the Authority projects funding is available, families will be selected from the pre-application waiting list in their order of preference sequence, time and date of application. Selections made for income targeting or targeted funding will be made as appropriate. When required, staff may skip clients on its waiting list to achieve its income targeting requirements for admission.

SNRHA shall select applicants from its waiting list in such a way as to ensure 75% of the applicants admitted to the Housing Choice Voucher Program during any fiscal year are at or below the Extremely Low Income (ELI) limit—30% of the median income for the Metropolitan Statistical Area- at the time of admission. To ensure this requirement is met, SNRHA may skip non- Very Low-Income families on the waiting list in order to select ELI families.



Applicants are notified in writing of their scheduled eligibility appointment to certify the applicant for program participation. Applicants who have been selected from the waiting list based on preferences that cannot be verified as true shall be returned to their appropriate place on the waiting list without those preferences, unless without the preference they still would have been selected among the group pulled.

A pool of certified eligible applicant files will be maintained to minimize delays in admissions when voucher funding becomes available.

SNRHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- Las Vegas Review Journal/Sun
- El Mundo
- Latin American Press
- Asian Journal
- The Israelite
- Indian Voice
- The Challenger
- Nevada Disability Advocacy and Law Center
- SNRHA's website @snvrha.org
- St Vincent's
- Salvation Army Family Services
- Shade Tree
- Helping Hands
- Veterans Administration
- Nevada Association of Latin Americans
- Nevada Children Center
- Nevada Client Assistance Program
- Nevada Community Enrichment Program
- Nevada Equal Rights Commission
- Nevada Fair Housing Center
- Active Blind & Visually Impaired of Nevada
- Assistive Technology Center at Nevada Community Enrichment Program



- Clark County Legal Services
- Multiple Sclerosis National Society
- Southern Nevada Adult Mental Health Services
- Women Development Center
- Lutheran Social Services
- Veteran Administrative Services

However, the list of vendors above may be altered without board approval based on results of outreach and other factors such as vendors no longer being available. The Director of Housing Programs or their designee will make this determination.

#### **4-II.I. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]**

SNRHA must conduct outreach as necessary to ensure SNRHA has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted. Because HUD requires SNRHA to serve a specified percentage of extremely low income families., SNRHA may need to conduct special outreach to ensure an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21.].

SNRHA 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 outreach efforts are targeted to media outlets that reach eligible populations underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

SNRHA outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submission of press releases to local newspapers, including minority newspapers
- Development of informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Development of partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

#### SNRHA Policy

SNRHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in SNRHA's jurisdiction. Targeted outreach



efforts will be undertaken if a comparison suggests certain populations are being underserved.

#### **4-II.J. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

##### SNRHA Policy

While the family is on the waiting list, the family must inform SNRHA of changes in contact information, including current residence, mailing address, and phone number within 10 calendar days of said change. The changes must be submitted in writing.

#### **4-II.K. UPDATING THE WAITING LIST (PURGE) [24 CFR 982.204]**

HUD requires SNRHA to establish policies to use when removing applicant names from the waiting list.

##### **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 a SNRHA request for information or updates because of the family member's disability, SNRHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

##### SNRHA Policy

The waiting list will be updated as needed to ensure all applicants and applicant information is current and timely.

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

To update the waiting list, SNRHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address SNRHA has on record for the family. The update request will provide a deadline by which the family must respond and will state failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person, by mail, electronically, or by fax. Responses should be postmarked or received by SNRHA not later than 14 calendar days from the date of SNRHA letter.

If an applicant fails to respond to a mailing from SNRHA within the indicated timeframe on said notice, the applicant will be withdrawn. An extension of 10 calendar days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability. If the applicant did not respond to SNRHA's request for



information or updates because of a family member's disability, SNRHA will reinstate the applicant in the family's former position on the waiting list.

If a letter is returned by the Post Office, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Director of Housing Programs or designee determines there were circumstances beyond the person's control. The following exceptions, if determined to exist, will be acceptable to warrant reinstatement: hospitalization or out of town or disabled. Additionally, if for any reason when a family is removed in error from the waiting list the Director of Housing Programs or their designee may reinstate the applicant.

### **Removal from the Waiting List [24 CFR 982.204(c)]**

#### **SNRHA Policy**

If at any time an applicant family is on the waiting list, and SNRHA determines the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because SNRHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding SNRHA's decision (see Chapter 14) [24 CFR 982.201(f)].

## **PART III: SELECTION FOR HCV ASSISTANCE**

### **4-III.A. OVERVIEW**

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families receive assistance from the waiting list depends on the selection method chosen by SNRHA and is impacted in part by any selection preferences the family qualifies for. The source of HCV funding also may affect the order in which families are selected from the waiting list.

SNRHA must maintain a clear record of all information required to verify the family is selected from the waiting list according to SNRHA's selection policies [24 CFR 982.204(b) and 982.207(e)].

### **4-III.B. SELECTION AND HCV FUNDING SOURCES**

#### **Special Admissions [24 CFR 982.203]**

HUD may award funding for specifically-named families living in specified types of units (e.g., a family displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1



or 2 projects; family admitted due to special funding allocation will be placed on the waitlist and coded for tracking and may go ahead of other non-eligible families as defined by HUD to receive these vouchers. Examples are Family Unification Vouchers, Welfare to Work, VASH, Relocation, and/or TBRA Certificates. In these cases, SNRHA may admit families not on the waiting list, or without considering the family's position on the waiting list. SNRHA must maintain records showing such families were admitted with special program funding. Applicants who are admitted by SNRHA who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the automated waiting list system. Additionally, projected-based participants who are eligible to receive a tenant-based voucher after one year of tenancy, shall be provided with a voucher without placement on our waiting list, if funding is available and they have provided proper notice to their management company.

### **Targeted Funding [24 CFR 982.204(e)]**

HUD may award a PHA funding for a specified category of families on the waiting list. SNRHA must use this funding only to assist the families within the specified category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

#### SNRHA Policy

SNRHA administers the following types of targeted funding:

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

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system. SNRHA received funding for the following "Targeted" Programs:

- Mainstream for Persons with Disabilities
- Family Unification Program
- Welfare to Work
- Housing Choice Voucher - Designated Housing for Non-Elderly Persons with Disabilities
- Fair Share Voucher – Medicaid 1915 (c)
- VASH
- Relocation/Replacement Vouchers due to disposition of PH or Opt Out Vouchers

### ***OTHER ADMISSIONS TO SNRHA/SUPPORTIVE SERVICES VOUCHERS***

SNRHA does not have special allocations for supportive service vouchers. However, if funding becomes available the following process shall be utilized:





## **Supportive Service Referral Process**

Contingent upon funding availability, SNRHA will make vouchers available for tenant-based assistance through referrals from outside agencies providing supportive services for the disabled, veterans and special voucher allocations, including Mainstream and VASH eligible families. In addition, referrals can be entered into with other outside agencies to assist with housing services of the community. They will be identified as “Special Programs.”

When a family is referred to SNRHA through “Special Programs” they will receive a voucher if they meet all of the eligibility requirements enumerated in this plan, and a voucher is available for the program.

Only families residing in non-subsidized housing may be referred, unless the family has successfully completed housing counseling training, through a program recognized by SNRHA. If the referred family’s name is on the regular SNRHA waiting list, their name will be removed when they receive a voucher through the ‘Special Programs,’ and the family will be counted toward the Special Programs vouchers.

Special Programs are responsible for referring families to SNRHA in the order deemed acceptable by the participating agencies and may have a specific MOU. Though not required by SNRHA, the MOU will also specify the other responsibilities of the participating agencies.

Vouchers will be made available to families who are referred, regardless of whether the family is on the regular voucher waiting list, regardless of the family’s current waiting list position, and regardless of whether the waiting list is closed.

## **Regular HCV Funding**

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided below.

### **4-III.C. SELECTION METHOD**

SNRHA must describe the method for selecting applicant families from the waiting list, including the system of admission preferences SNRHA will use [24 CFR 982.202(d)].

### **4.III.D. LOCAL PREFERENCES [24 CFR 982.207; HCV p. 4-16]**

SNRHA is permitted to establish local preferences, and to give priority to serving families meeting those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits SNRHA to establish other local preferences, at its discretion.

Any local preferences established must be consistent with SNRHA’s plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

**SNRHA Policy for the following Local Preferences:** SNRHA shall use the following preference point system.



**Foster Youth Preference:** Youth aging out of the foster care system who are currently participating in the Funds to Assist Former Foster Youth (FAFFY) program and other HCV program requirements. This preference shall be limited to 10 youth per year as funding permits, via a referral system from Clark County Foster DFS and Family Services. .. **60 points.**

**Previously Terminated for Insufficient Funding:** SNRHA will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding. .... **60 points**

**Federally Declared Disasters:** Victims who are holders of Section 8 Vouchers or other subsidized programs as defined as eligible units by HUD, in another jurisdiction within 120 calendar days of the President declaring a federal disaster. .... **55 points**

**Working Preference** will be given to Head, spouse, or co-head employed at least 20 hours per week, or who are active participants in accredited educational and training program designed to prepare the individual for the job market. This preference is extended equally to elderly families or disabled families, including but not limited to those whose head or spouse is receiving SSI, SSD, or who can be verified to be unable to work, if both the head of household and spouse is either elderly or disabled. .... **30 points**

**Veteran preference** for veteran as defined by the State of Nevada. A Veteran/Disabled Veteran may submit an admissions application at any time for any housing program, whether the waiting list is open or closed - with the exception of the Housing Choice Voucher Program. The Veteran/Disabled Veteran must be the head, spouse, or co-head member of the household. At the time of eligibility, the Veteran/Disabled Veteran must submit their DD214 (or other official discharge documents from the Official Military Personnel File) which shows enlistment date, discharge dates, branch of service, social security number, birthdate, net active service, and type of discharge. If the military documents are not submitted accordingly, the Veteran's/Disabled Veteran's name will be withdrawn from the waiting list.

The Veteran/Disabled Veteran is entitled to request and receive an informal review of that determination as described in this Administrative Plan, Chapter 14, Program Administration, Part III: Informal Reviews and Hearings.

The Veteran/Disabled Veteran may submit another admissions application .... **35 points**

**Residency preferences** for head, co-head or spouse, who live, work, have been hired to work, or are enrolled full time in an accredited school in Clark County. .... **5 points**

**Disabled veteran** or family (defined as son, daughter, and spouse) of a veteran with a service-connected disability. .... **5 points**

**Family of** (defined as spouse) a **deceased veteran** with a service-connected death. .... **33 points**



**Non-Elderly Disabled (NED)** persons transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless..... **10 points**

***FINAL VERIFICATION OF PREFERENCES [24 CFR 5.415]***

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

***PREFERENCE DENIAL [24 CFR 5.415]***

If SNRHA denies a preference, SNRHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting with the Director of Housing Programs or designee. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

**4.III. E. INCOME TARGETING REQUIREMENT [24 CFR 982.201(b)(2)]**

HUD requires Extremely Low-Income (ELI) families make up at least 75% of the families admitted to the HCV program during the PHA’s fiscal year. ELI families are those with annual incomes at or below federal poverty levels or 30% of the area median income, whichever number is higher. To ensure this requirement is met, SNRHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program “continuously assisted” under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

**SNRHA Policy**

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year SNRHA will reserve a minimum of seventy-five percent of its Housing Choice Vouchers new admissions for families whose income does not exceed 30 percent of the area median income. HUD refers to these families as “extremely low-income families.” SNRHA will admit families who qualify under the Extremely Low-Income limit to meet the income-targeting requirement, regardless of preference. SNRHA may skip applicant on its waiting list to ensure it meets its goals of admitting at least 75% of applicants with incomes that do not exceed 30% of median income.



SNRHA 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.

SNRHA's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

SNRHA is also exempted from this requirement where SNRHA is providing assistance to low income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

#### **4.III.F. ORDER OF SELECTION [24CFR 982.207(e)]**

SNRHA system of preferences may select families either according to the date and time of application, or by a random selection process [24 CFR 982.207(c)]. When selecting families from the waiting list SNRHA is required to use targeted funding to assist only those families who meet the specified criteria. SNRHA is not permitted to skip down the waiting list to a family who can afford to be subsidized when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

##### SNRHA Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with SNRHA's hierarchy of preferences. Within each targeted funding or preference category, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by SNRHA. Documentation will be maintained by SNRHA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so SNRHA does not have to ask higher placed families each time targeted selections are made.

SNRHA's method for selecting applicants from a preference category leaves a clear audit trail used to verify each applicant has been selected in accordance with the method specified in the Administrative Plan.

SNRHA will utilize the preferences and points identified in Section D of this chapter. Among applicants with equal preference status, the waiting list will be organized by date and time.

If preferences submitted by the family at the time of application are not verified to be true, the family shall be placed back on the waiting list according to time and date of application and any other preference points they may have. If they applied during an opening for new applications that was for a specific category of applicants or special funding source admissions, and do not meet those criteria, their application shall be withdrawn and a notice provided to the family.



Families will be selected to attend their briefing from the applicant pool verified as certified eligible to participate in the Housing Choice Voucher Program.

#### **4-III.G. NOTIFICATION OF SELECTION**

When a family has been selected from the waiting list, SNRHA must notify the family.

##### SNRHA Policy

SNRHA 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:

- Date, time, and location of the scheduled application interview, including any 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 SNRHA, the family will be removed from the waiting list. A notice of denial (see Chapters 3 and 12) will be sent to the family's address of record, as well as to any known alternate address.

#### **4-III.H. THE APPLICATION INTERVIEW**

HUD recommends SNRHA obtain the information and documentation needed to make an eligibility determination through a private interview [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

##### SNRHA Policy

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household, the spouse/co-head, and all adult members must attend the interview together. However, if either the head of household or the spouse/co-head or other adult misses the appointment, one additional appointment shall be scheduled. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are signed.

The interview will be conducted only if the head of household or spouse/co-head provides appropriate documentation of legal identity. (Chapter 6 has 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 (within 14 calendar days).



The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, and must complete required forms, provide required signatures, and submit required documentation. If any materials are missing, SNRHA will provide the family with a written list of items that must be submitted within 14 calendar days.

Any required documents or information the family is unable to provide at the interview must be provided within 14 calendar days of the interview (Chapter 6 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible non-citizen 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, SNRHA will provide translation services in accordance with SNRHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact SNRHA in advance of the interview to schedule a new appointment. Applicants who fail to attend scheduled interviews without SNRHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. The file may be reinstated if the family was out of town or hospitalized on the day of the interview and provides proof to SNRHA. A notice of denial will be issued in accordance with policies contained in Chapters 3 and 12.

#### **4-III.I. COMPLETING THE APPLICATION PROCESS**

SNRHA must verify all information provided by the family (see Chapter 6.) Based on verified information, SNRHA must make a final determination of eligibility (see Chapters 3 and 12) and must confirm the family qualifies for any special admission, targeted admission, or selection preference affecting the order in which the family was selected from the waiting list.

##### SNRHA Policy

If SNRHA determines the family is ineligible, SNRHA will send written notification of the ineligibility determination within 10 calendar days of the determination. The notice will specify the reasons for the ineligible status and will inform the family of its right to request an informal review (Chapter 14.)

If a family fails to qualify for any criteria affecting the order in which it was selected from the waiting list [e.g. targeted funding, extremely low-income; preference(s)], the family will be returned to its original position on the waiting list. SNRHA will notify the family in writing it has been returned to the waiting list, and will specify the reasons for it.



If SNRHA determines the family is eligible to receive assistance, SNRHA will invite the family to attend a briefing in accordance with the policies in Chapter 7.



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## Chapter 5

### INCOME AND SUBSIDY DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 982]

#### INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's share of rent and to determine the amount of SNRHA's subsidy. SNRHA will use the policies and methods described in this chapter to ensure only eligible families receive assistance and no family pays more or less than its obligation under the regulations.

SNRHA will use the methods as set forth in this Administrative Plan to verify and determine family income at admission and reexamination is correct.

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. SNRHA's policies in this Chapter address those areas which allow SNRHA discretion to define terms and to develop standards in order to assure consistent application of the various factors relating to the determination of TTP.

This chapter describes HUD regulations and SNRHA 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 PHA policies for calculating annual income are found in Part I.
- **Part II: Adjusted Income.** Once annual income has been established HUD regulations require the PHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and PHA policies for calculating adjusted income are found in Part II.
- **Part III: Calculating Family Share and PHA Subsidy.** This part describes the statutory formula for calculating TTP, the use of utility allowances, and the methodology for determining PHA subsidy and required family payment.

#### PART I: ANNUAL INCOME

##### 5-I.A. OVERVIEW

**Income:** Includes all amounts monetary or not received on behalf of the family. For purposes of calculating the TTP, HUD defines what is to be included and what is to be excluded in the federal regulations. In accordance with this definition, all income that is not specifically excluded in the regulations is counted. This includes all earned income and regular monetary and non-monetary gifts and contributions.

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.

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

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 5-1)
- Annual Income Exclusions (Exhibit 5-2)
- Treatment of Family Assets (Exhibit 5-3)
- Earned Income Disallowance for Persons with Disabilities (Exhibit 5-4)
- The Effect of Welfare Benefit Reduction (Exhibit 5-5)

Sections 5-I.B and 5-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 plan, 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 6.

### **5-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.



<b>Summary of Income Included and Excluded by Person</b>	
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(c)(2)].
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.

**5.I.C. TEMPORARY/PERMANENTLY ABSENT [24CFR 5.609(a)(1);982.551]**

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].

SNRHA Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive calendar 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 calendar days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

SNRHA must compute all applicable income of every family member on the lease, including those who are temporarily absent. In addition, SNRHA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease in compliance with 24 CFR 5.609 (a) (1).

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

It is the responsibility of the head of household to report changes in family composition in writing or other method as needed for disabled persons within ten (10) calendar days of the change, including marriages. SNRHA will evaluate absences from the unit using this policy. Permanently absent shall be defined as separated, divorced, placed in nursing home, or incarcerated for more than 180 calendar days.



## **Absence of Any Member**

### SNRHA Policy

Any member of the household will be considered permanently absent if he/she is away from the unit for more than six (6) consecutive months or as otherwise provided in this Chapter, except students or children with shared custody for which the head of household has notified SNRHA of their absence in writing.

## **Absent Students**

### SNRHA Policy

When someone who has been considered a family member attends school for higher education away from home, the person will continue to be considered a family member unless information becomes available to SNRHA indicating the student has established a separate household or the family declares the student has established a separate household.

*Full time students who attend school away from the home will be treated in the following manner:*

A student (other than head of household or spouse) who attends school for higher education away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides the member is permanently absent, income of that member will not be included in total household income, not be included on the lease, and will not be included for determination of Voucher size.

## **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].

### SNRHA Policy

If a child has been placed in foster care, and not returned to the biological family, by the next annual reexamination or move, the voucher size will be changed accordingly. If a participant's family gains custody of the foster child, the foster child will be added to the participant's family composition.

## **Absent Head, Spouse, or Co-head**

### SNRHA Policy

An absent head, spouse, or co-head will be considered as part of the family and their income will count "unless" the head of household certifies the head/spouse/co-head permanently absent.



SNRHA's "Certification of Absent Spouse" form certifies the spouse is not a member of the household and will not reside in the assisted unit.

### **Family Members Permanently Confined for Medical Reasons**

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22].

#### SNRHA Policy

SNRHA 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 (180 days or more) and request the person not be considered a family member.

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

### **Absence Due to Incarceration**

#### SNRHA Policy

If the sole member is incarcerated for more than 90 calendar days, he/she will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if he/she is incarcerated for 90 calendar days.

SNRHA will determine if the reason for incarceration is for drug-related or violent criminal activity and, if so, will terminate assistance to the family (see Chapter 12: Denial and Termination of Assistance.)

### **Joint Custody of Dependents**

#### SNRHA Policy

Dependents subject to a joint custody arrangement will be considered a member of the family if they live with the applicant or participant family 51 percent or more of the time. Consideration may also be given to the person who receives the income for the care of the child.

When more than one applicant or participant family is claiming the same dependent(s) as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependent(s.) If there is a dispute about which family should claim them, SNRHA will make the determination based on available documents such as court orders.

### **Caretakers for a Child**

#### SNRHA Policy

If neither a parent nor a designated guardian remains in a household receiving HCV assistance, SNRHA will take the following actions.



- (1) If a responsible agency has determined another adult is to be brought into the assisted 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.
- (2) 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 up to 120 calendar days. After the time has elapsed, the caretaker will be considered a family member unless information is provided confirming the caretaker's role is temporary. In such cases SNRHA will extend the caretaker's status as an eligible visitor.
- (3) At any time custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.
- (4) During any period 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.

If the appropriate agency cannot confirm the guardianship status of the caretaker, SNRHA will review the status at 30 calendar day intervals.

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

If custody is awarded for a limited time in excess of stated period, SNRHA will state in writing the transfer of the Voucher is for that limited time or as long as they have custody of the children. SNRHA will use discretion as deemed appropriate in determining any further assignation of the Voucher on behalf of the children.

When SNRHA approves a person to reside in the unit as caretaker for the child(ren), the income should not be counted pending a final disposition. SNRHA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

### **Unauthorized Residents [24 CFR 551(h)(2)]**

Only household members listed on the HUD 50058 are permitted to reside in the assisted unit.

#### SNRHA Policy

Adults who reside in the assisted unit, for more than thirty (30) consecutive calendar days or for a minimum period of sixty (60) cumulative calendar days during a twelve (12) month period and are not listed on the HUD 50058 form, will be deemed unauthorized residents (unless SNRHA has provided prior approval and is in the process of said resident being evaluated for eligibility.)

In those cases where SNRHA has reason to believe the family has an unauthorized resident(s) in the assisted unit, a family must demonstrate the person is not an unauthorized resident by submitting at least two (2) verifiable items of information, for example:

1. A written notarized statement from the landlord



2. A legible copy of the person's current driver's license, State identification, or vehicle registration which is current
3. A lease in their name at another address shall be the most prudent choice of evidence
4. Verification of residence from another government entity
5. Most recent IRS tax transcript
6. Current pay-stub (dated within the last 60 days)
7. Auto Insurance Verification and/or Department of Motor Vehicle (DMV) Registration

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

### **Minors and College Students:**

#### SNRHA Policy

Minors and college students who were part of the family but who now live away from home during the school year **and** are no longer on the lease may visit for up to 90 days per year.

### **Reporting Absences to SNRHA**

#### SNRHA Policy

If a family member leaves the household, the family must report this change to SNRHA, in writing, within 10 calendar days of the change and certify the member is temporarily absent or if the household member is to be removed.

SNRHA will conduct an interim evaluation for changes which affect the Total Tenant Payment in accordance with the interim policy.

### **Temporary Guardianship:**

#### SNRHA Policy

SNRHA shall require participants who are requesting to add family members that are minors and who are not their children by birth, foster care, court awarded custody or court awarded guardianship to provide proof of income for the care of the child such as TANF payment or other support, if any income is being received by an adult for the care of the child. School record (if the child is of school age,) must be provided to document the subsidized residence as the record of enrollment for the child(ren.) SNRHA shall increase the voucher size for the addition of minors if the addition to the family warrants an increased voucher-size based on SNRHA's occupancy guidelines.



Forms of acceptability by SNRHA:

- Court Ordered Assignment
- Verification from Social Service Agency

SNRHA shall not approve additions for any reason if it will result in overcrowding as defined in HUD regulations.

### **5.I.D. ANTICIPATING ANNUAL INCOME**

SNRHA 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).] The exception to this will be for elderly and disabled families with “fixed non-waged income.” Policies related to anticipating annual income are provided below.

#### **Basis of Annual Income Projection**

SNRHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes SNRHA 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)]
- SNRHA believes past income is the best available indicator of expected future income [24 CFR 5.609(d)]

#### SNRHA Policy

When SNRHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), SNRHA 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 SNRHA to show why the historic pattern does not represent the family’s anticipated income. SNRHA shall also use pass fixed income (non-wages) for elderly or disabled clients along with EIV and any posted increases.

When Annual Income cannot be anticipated for a full twelve months, SNRHA may average known sources of income that vary to compute an annual income.

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

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month; this estimate will be used so as to reduce the number of interim adjustments.

#### **Using Enterprise Income Verification (EIV) to Project Income**





HUD requires the use of EIV verifications. EIV 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.] This will be used for elderly and disabled families with “fixed non-wage income.”

HUD allows SNRHA to use EIV information in conjunction with family-provided documents to anticipate income [EIV.]

#### SNRHA Policy:

Whenever possible, SNRHA will use HUD’s EIV system. When EIV is obtained and the family does not dispute the EIV employer data, SNRHA will use current participant-provided documents to project annual income. When the participant provided documents are pay stubs, SNRHA will make every effort to obtain the last four (4) consecutive pay stubs dated within the last 60 calendar days.

SNRHA 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 Upfront Income Verification (UIV) data is not available,
- If the family disputes the accuracy of the EIV employer data, and/or
- If SNRHA determines additional information is needed.

In such cases, SNRHA 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 SNRHA annualized projected income.

### **Use of Historical Income Data**

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

### **Known Changes in Income**

If SNRHA 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 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 the PHA 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 which demonstrates implementing a change before its effective date would create a hardship for the family. In such cases, the PHA 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 SNRHA’s policy in Chapter 11 does not require interim reexaminations for other types of changes.

## **5-I.E. EARNED INCOME**



## **Types of Earned Income Included in Annual Income**

### ***Wages and Related Compensation***

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 [24 CFR 5.609(b)(1).]

#### SNRHA Policy

When Annual Income cannot be anticipated for a full twelve months due to frequent job changes or irregular amounts of pay received, SNRHA shall average known sources of income that vary to compute an annual income. Typically, the most current quarter's amount of income will be used for averaging.

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

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month; this estimate will be used so as to reduce the number of interim adjustments.

### ***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).]

## ***CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]***

#### SNRHA Policy

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

While an individual is employed, contributions will be counted as assets but limited to only amount the family can withdraw without retiring or terminating employment.

After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

## **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.

#### SNRHA Policy

Sporadic income is defined as income 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 cannot be anticipated and no historic stable pattern of income existed.



### ***Children's Earnings***

Employment income earned by children (including foster children) under 18 years of age is not included in annual income [24 CFR 5.609(c)(1).] (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 of age 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 PERSON PERMANENTLY CONFINED TO NURSING HOME*** ***[24 CFR 982.54(d) (10)]***

#### SNRHA Policy

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, SNRHA will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family:

Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member after 180 calendar days or when doctor certification of length of absence is received, whichever comes first.

### ***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***

Income from some federal programs is specifically excluded from consideration as income [24 CFR 5.609(c)(17),] 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)
- 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***

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 SNRHA 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 SNRHA's governing board. No resident may receive more than one (1) such stipend during the same period of time [24 CFR 5.600(c)(8)(iv).]

### ***State and Local Employment Training Programs***

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).] Effective July 2012, funding received in whole or in part under the Job Training Partnership Act, which was repealed by Congress, but clarifies that the exclusion for allowance, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 still applies to HUD programs.

#### **SNRHA Policy**

SNRHA 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.]

SNRHA 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, SNRHA 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 SNRHA's interim reporting requirements.

### ***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, modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

#### SNRHA 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.

### **5-I.F. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES [24 CFR 5.617 Streamlining Final Rule (SFR) Federal Register 3/8/16]**

The Earned Income Disallowance (EID) encourages people with disabilities 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 5.617 is included as Exhibit 5-4 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 HCV program (not at initial examination.) To qualify, the family must experience an increase in annual income resulting in one (1) of the following events:

- Employment of a family member who is a person with disabilities and 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 who is a person with disabilities and 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 is a person with disabilities and 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 (6) 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 one-time 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 EID for an eligible member of a qualified family begins with a comparison of the member's current income using his or her "baseline income." The family member's baseline income is his or her income immediately prior to qualifying for the EID. The family member's baseline income remains constant throughout the period he or she is participating in the EID.

### **Original Calculation Method**

While qualification for the disallowance is the same for all families, calculation of the disallowance will differ depending on when the family member qualified for the EID. Participants qualifying prior to May 9, 2016, will have the disallowance calculated under the "Original Calculation Method" described below which requires a maximum lifetime disallowance period of up to 48 consecutive months. Participants qualifying on or after May 9, 2016, will be subject to the "Revised Calculation Method" which shortens the lifetime disallowance period to 24 consecutive months. Under both the original and new methods, the EID eligibility criteria, the benefit amount, the single lifetime eligibility requirement, and the ability of the applicable family member to stop and restart employment during the eligibility period are the same.

### ***Earned Income Disallowance (EID)***

With HUD's Final Rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule," the requirements changed that families maintain continual employment in order to obtain EID benefits over a straight 24-month period. The Final Rule removes this requirement for continuous employment and benefits now applies for a straight 24-month period, with a clear start and end date, irrespective of whether a family maintains continual employment during the 24-month period. SNRHA shall not track start and stop time of employments but shall track start date, the 12-month date (on which the amount of the disregard may change from 100 percent to not less than 50 percent of earned income) and the 24-month end date. For families enrolled prior to the effective date of this regulation (March 8, 2016,) the previous requirement shall continue.

### ***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.

#### **SNRHA 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 whether the family reports the earnings or not.

### ***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.

### ***Lifetime Limitation***

The EID has a two (2) year (24-month) lifetime maximum. The two-year eligibility period begins at the same time the initial exclusion period begins and ends 24 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.

### **5-I.G. 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.]

#### SNRHA Policy

To determine business expenses that may be deducted from gross income, the PHA 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 SNRHA to deduct from gross income expenses for business expansion.

#### SNRHA 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 the PHA to deduct from gross income the amortization of capital indebtedness.

#### SNRHA Policy

*Capital indebtedness* is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means SNRHA 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 SNRHA 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.

#### SNRHA Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of \$2,000 to help a business get started, SNRHA 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**

#### SNRHA 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.

## **5-I.H. ASSETS [24 CFR 5.609(b)(3), 24 CFR 5.603(b)]**

### **Overview**

There is no asset limitation for participation in the HCV program. However, HUD requires SNRHA 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, SNRHA 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 5-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3),] and Exhibit 5-3 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.

Optional policies for family self-certification of assets are found in Chapter 6.

### **General Policies**

#### ***Income from Assets***





SNRHA 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 SNRHA 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) SNRHA believes 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, SNRHA can take into consideration past rental income along with the prospects of obtaining a new participant.

#### SNRHA Policy

Anytime 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 SNRHA 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 SNRHA 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.

#### SNRHA 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.]

#### ***Assets Disposed of for Less Than Fair Market Value***

#### SNRHA Policy

SNRHA must count assets disposed of for less than fair market value during the two (2) years preceding certification or reexamination. SNRHA will count the difference between the market value and the actual payment received in calculating total assets. Assets disposed of as a result of foreclosure or bankruptcies are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation is not considered to be assets disposed of for less than fair market value.

SNRHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$1,000. If the total value of assets disposed of within a one-year period is less than \$1,000, they will not be considered an asset. Income from assets disposed of for less than Fair Market value will be imputed for two (2) years from the date of divestiture.

#### ***Family Declaration***



### SNRHA 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 no assets have been disposed of for less than fair market value. SNRHA may verify the value of the assets disposed of if other information available to SNRHA does not appear to agree with the information reported by the family

### ***Lump-Sum Receipts 24 CFR 5.609***

Payments 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 representing the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

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, are not included in income but may be included in assets.

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

### SNHRA Policy

To determine amount of retroactive participant rent the family owes as a result of the lump sum receipt, SNRHA will calculate retroactively.

### ***Retroactive Calculation Methodology***

#### SNHRA Policy

SNRHA will go back to the date the lump-sum payment was received but never further back than the date of admission.

SNRHA will determine the amount of income for each certification period, including the lump sum, and recalculate the participant rent for each certification period to determine the amount due SNRHA.

At SNRHA's option, SNRHA may enter into a re-payment Agreement with the family.

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

### ***Attorney Fees***

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



### ***Imputing Income from Assets [24 CFR 5.609(b)(3)]***

When net family assets are \$5,000 or less, SNRHA 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, SNRHA 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 SNRHA 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 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 annual income includes "amounts derived (during the 12-month period) from assets to which any member of the family has access."

#### **SNRHA Policy**

If an asset is owned by more than one (1) person and any family member has unrestricted access to the asset, SNRHA 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 (1) person, including a family member, but the family member does not have unrestricted access to the asset, SNRHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, SNRHA will prorate the asset evenly among all owners.

### **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.

#### **SNRHA Policy**

In determining the value of a checking account, SNRHA will use the current balance.



In determining the value of a savings account, SNRHA will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, SNRHA will multiply the value of the account by the current actual rate of interest paid on the account.

In lieu of the calculation described above, SNRHA can use the actual amount received over the last calendar year in determining the anticipated amount of interest if it is anticipated that the average balance will remain constant (similar to the balance for the last twelve months.)

### ***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.

#### **SNRHA Policy**

In determining the market value of an investment account, SNRHA 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 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,) SNRHA will calculate asset income based on the earnings for the most recent reporting period.

In lieu of the calculation described above, SNRHA can use the actual current received over the last calendar year in determining the anticipated amount of interest if it is anticipated that the average balance will remain constant (similar to the balance for the last twelve months.)

### ***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.]

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)]
- The value of a home currently being purchased with assistance under the HCV program Homeownership Option for the first ten (10) years after the purchase date of the home [24 CFR 5.603(b)]
- Equity in owner-occupied cooperatives and manufactured homes in which the family lives [HCV GB, p. 5-25]



- 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 OR (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.

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.

#### SNRHA 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 SNRHA determines 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 (1) party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one (1) 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, SNRHA 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. 5-26,] except to the extent it represents funds invested in the account by the family member.

The balance in the account is counted as an asset only if it remains accessible to the family member. (For more on periodic payments, see section 6-I.H.)

#### *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.]

##### SNRHA Policy

In determining the value of personal property held as an investment, SNRHA will use the family's estimate of the value. SNRHA may obtain an appraisal to confirm the value of the asset. 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 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).]

##### SNRHA Policy

Necessary personal property only consists of those items not held as an investment, and 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 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.

### **5-I.I. 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).]

#### SNRHA Policy

When a delayed-start payment is received and reported during the period in which SNRHA is processing an annual reexamination, SNRHA will adjust the family share and SNRHA subsidy 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 SNRHA.

### **Periodic Payments Excluded from Annual Income**

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone) [24 CFR 5.609(c)(2)]

#### SNRHA Policy

SNRHA 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).]

### **5-I.J. 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 5-I.H and the discussion of lump-sum receipts in section 5-I.G.)

## **5-I.K. 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 needs 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]**

SNRHA 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 5-5. The requirements are summarized below. This rule applies only if a family was receiving HCV assistance 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 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 reducing 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, SNRHA must include in annual income “imputed” welfare income. SNRHA must request the welfare agency inform SNRHA when the benefits of an HCV participant family 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).]

#### ***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).]

## **5-I.L. 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 an assisted family.

### **Alimony and Child Support**

SNRHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

#### SNRHA Policy

SNRHA will count court-awarded amounts for alimony and child support unless SNRHA 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 alimony and child support payments are counted as income for calculation of the family's share of the rental payment.

SNRHA will accept verification when the family is receiving an amount less than the award if:

SNRHA receives verification from the agency responsible for enforcement or collection.

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

When child support or alimony fluctuates, SNRHA will follow the policy below.

#### SNRHA Policy

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month; this estimate will be used to reduce the number of interim adjustments.

1. SNRHA shall add the total of all payments listed for the past twelve months. The total shall then be considered anticipated income.
2. When verification documents from the DA's office indicated no payment for more than 60 calendar days, no income will be anticipated from child support/alimony. Participants are required to report all changes within ten (10) calendar days in writing including when child support/alimony is not received and/or starts.
3. When a family first begins to receive child support/alimony or a new child/alimony support order is established, the amount of the ordered payment



will be annualized and included in annual income. The participant is required to report all changes in income within 10 calendar days in writing.

4. When verification documents do not provide a 12-month history, an average will be determined based on at least two months' or more of a verified payment.

### **Regular Contributions or Gifts [24 CFR 5.609]**

SNRHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family [24 CFR 5.609(b)(7)]. Regular shall be defined as monetary and/or nonmonetary contributions or gifts provided to the family for two months or more. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

#### SNRHA 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, or
- (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 SNRHA.

Any contribution or gift received for two (2) consecutive months or more will be considered a "regular" contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. Sporadic income is defined as contributions of monetary gifts for less than two (2) months within a calendar year and not made for two (2) consecutive months. Additionally, sporadic income will be defined as earned income of less than five (5) hours per month for no more than two (2) consecutive months. (See Chapter 6 on "Verification Procedures" for further definition.)

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

For contributions that may vary from month to month (e.g., utility payments,) SNRHA will include an average amount based upon past history.

### **5-I.M. STUDENT FINANCIAL ASSISTANCE [Notice PIH 2015-21]]**

In 2005, Congress passed a law (for section 8 programs only) requiring certain student financial assistance be included in annual income. Previously, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.



## **Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9) FR 4/10/06 ; Notice PIH 2015-21]**

The regulation requiring the inclusion of certain student financial assistance applies only to students who satisfy all of the following conditions:

- They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965.
- They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, the Project-Based Voucher (PBV) program, or the moderate rehabilitation program.
- They are under 24 years of age **OR** they have no dependent children.

For students who satisfy these three (3) conditions, any financial assistance in excess of tuition, fees, and other required charges received:

(1) under the 1965 HEA,

(2) from a private source, or

(3) from an institution of higher education, as defined under the 1965 HEA, must be included in annual income.

To determine annual income in accordance with the above requirements, SNRHA will use the definitions of *dependent child*, *institution of higher education*, and *parents* in Section 3-II.E, along with the following definitions [FR 4/10/06, pp. 18148-18150]:

- *Assistance under the Higher Education Act of 1965* includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.
- *Assistance from private sources* means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV assisted unit.
- *Tuition and fees* are defined in the same manner in which the Department of Education defines *tuition and fees* [Notice PIH 2015-21.]
  - This is the amount of tuition and required fees covering a full academic year most frequently charged to students.
  - The amount represents what a typical student would be charged and may not be the same for all students at an institution.
  - If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an academic year is used to estimate average tuition.
  - Required fees include all fixed-sum charges required of a large proportion of all students. Examples include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program.)



- Expenses related to attending an institution of higher education must **not** be included as tuition. Examples include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed-sum charges.

### **Student Financial Assistance Excluded from Annual Income [24 CFR 5.609(c)(6)]**

Any student financial assistance not subject to inclusion under 24 CFR 5.609(b)(9) is fully excluded from annual income under 24 CFR 5.609(c)(6), whether it is paid directly to the student or to the educational institution the student is attending. This includes any financial assistance received by:

- Students residing with parents who are seeking or receiving Section 8 assistance.
- Students who are enrolled in an educational institution that does **not** meet the 1965 HEA definition of *institution of higher education*.
- Students who are over 23 **AND** have at least one dependent child, as defined in Section 3-II.E.
- Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.

### **5-I.N. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME**

Other exclusions contained in 24 CFR 5.609(c) not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4).]
- 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 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 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) Subject to the annual income inclusions for the HCV Program CFR 5.609(b) (9), the amount 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 born with certain birth defects and children of certain Korean service veterans (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.)
- (t) EID income exclusions as allowed within the regulations.
- (u) The Medicare incentive payments.
- (v) Kinship care payments.
- (w) Educational benefits through the Department of Veteran Affairs Vocational rehabilitation and employment division-Chapter 31 Program including books, tuition, supplies, and payments for Veterans.
- (x) Exclusion of Mandatory Education Fees from Income (per HUD's Final Rule dated March 8, 2016.)
- (y) Distributions from an Achieving a Better Life Experience (ABLE) account, and actual or imputed interest on the ABLE account balance

Subject to the additional income inclusion for the HCV program on annual income for students of higher education, the full amount of student financial assistance paid directly to the student or to the educational institution [24 CFR 5.609(c)(6),] except in accordance with Section 224 of the FY 2005 Appropriations Act, the portion of any athletic scholarship assistance available for housing costs must be included in annual income [PIH Notice 2005-16.]

#### SNRHA Policy

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment **is not** considered tuition and is included **in** annual income.

## **PART II: ADJUSTED INCOME**

### **5-II.A. INTRODUCTION**

#### **Overview**

HUD regulations require SNRHA to deduct from annual income any of five (5) 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 6.

### **Anticipating Expenses**

#### SNRHA Policy

Generally, SNRHA will use current circumstances to anticipate expenses. When possible, for costs expected to fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses,) SNRHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, SNRHA will include (as an eligible expense) the portion of the debt the family expects to pay during the period 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. SNRHA shall require the family to provide documentation of payments made in the preceding year.

### **5-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).]

### **5-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.]

### **5-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 (3) 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.”

SNRHA Policy

The most current IRS Publication 502, *Medical and Dental Expenses*, will be used to determine the costs that qualify as medical expenses.

Summary of Allowable Medical Expenses from IRS Publication 502	
Services of medical professionals	Substance abuse treatment programs
Surgery and medical procedures that are necessary, legal, non-cosmetic	Psychiatric treatment
Services of medical facilities	Ambulance services and some costs of transportation related to medical expenses
Hospitalization, long-term care, and in-home nursing services	The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)
Prescription medicines and insulin	Cost and continuing care of necessary service animals
Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails)	Medical insurance premiums or the cost of a health maintenance organization (HMO)
<p><b>Note:</b> This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.</p>	

**MEDICAL EXPENSES [24 CFR 5.609(a) (2), 5.603]**

SNRHA Policy

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

**Nonprescription medicines must be doctor-recommended in order to be considered medical expenses.**

Nonprescription medicines will be counted toward medical expenses for families who qualify (if the family furnishes legible receipts) and staff must attempt to get third party verification from a doctor or professional service provider.

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





## **5-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 (1) 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.

#### SNRHA 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, SNRHA 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 SNRHA determines the disability assistance expenses enable more than one (1) family member to work, the expenses will be capped by the sum of the family members’ incomes.

### **Eligible Disability Expenses**

Examples of auxiliary apparatus are provided in the *HCV Guidebook* as follows: “Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a blind person to read or type, 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***

#### SNRHA Policy



Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus 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 appropriate for the person with disabilities.

#### SNRHA 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 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, SNRHA will prorate the cost and allow only that portion of the expenses attributable to attendant care which 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 assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b).] However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not 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 the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

#### SNRHA Policy

SNRHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, SNRHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and SNRHA 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**

### SNRHA Policy

This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities or when a family also includes a person with disabilities that qualifies for a disability expense.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, SNRHA will consider them medical expenses unless it is clear the expenses are incurred exclusively to enable a person with disabilities to work.

## **5-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.”

### **Clarifying the Meaning of *Child* for This Deduction**

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 living in the assisted family’s household, are included when determining the family’s child care expenses [HCV GB, p. 5-29.]

### **Qualifying for the Deduction**

#### ***Determining Who Is Enabled to Pursue an Eligible Activity***

### SNRHA 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, SNRHA 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***

### SNRHA 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 SNRHA.

To qualify for childcare deductions under the provision of actively seeking employment, the family member may be a participant in an official job search program or may simply demonstrate independent job search activities. In either case, in order to verify the time spent in seeking employment, SNRHA will require the family to maintain a log that reflects the following:

The date and time of departure from home, (including time needed to drop off children for childcare, if provided outside the home;)

The name and location of the prospective employer, unemployment office or employment agency;

The name of the person(s) contacted and telephone number;

The length of time for completion of the application, the interview, testing or other job search activity;

The time the children are picked up and the time arrived at home;

The name, address, telephone number and social security number of the childcare provider; and

The total amount paid for the childcare.

If multiple applications or interviews are held consecutively or on the same day, the above information should be provided for each prospective employer or agency. SNRHA will use this information to verify the contacts and the eligibility of childcare expenses. Since job search activities may be irregular and not easily anticipated, SNRHA may attempt a limited inclusion at the annual certification and conduct an interim examination after some actual expenditures have been incurred. In many instances, job search periods will be of limited duration, but in some cases the job search period may be extended, especially if the type of employment sought is limited in availability, employment opportunities of any kind are scarce or the job skills needed are unusual.

### ***Furthering Education***

#### **SNRHA 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***

#### **SNRHA 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. Childcare will be capped by the amount of earned income of the individual that is freed to work. In the case of EID, the cap for the amount of earned income will be the amount after the EID is applied for the individual that is freed to work.

### **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 deducted for child care – although the care must still be necessary and reasonable, as defined by SNRHA’s survey results. SNRHA shall not deduct unreasonable childcare expenses. 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 with disabilities 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 actually 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.

SNRHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one (1) eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30.]

#### SNRHA Policy

When the child care expense being claimed is to enable a family member to work, only one (1) family member’s income will be considered for a given period of time. When more than one (1) family member works during a given period, SNRHA generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information supporting a request to designate another family member as the person enabled to work. However, the child care provider must be 18 years of age for the expense to be considered as eligible.

### **Eligible Child Care Expenses**

The type of care to be provided is determined by the assisted family. SNRHA may not refuse to give a family the child care expense deduction because there is an adult family member in the household available to provide child care [VG, p. 26.]

#### *Allowable Child Care Activities*

#### SNRHA 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 not eligible for consideration, SNRHA will prorate the costs and allow only that portion of the expenses 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, the expenses are not paid or reimbursed by any other source.

### **SNRHA Policy**

Child care expenses will be considered for the time required of 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 (1) study hour for each hour spent in class.

Unreimbursed child care expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school full time, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as a child care expense.

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

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

**Child care for school:** The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school. Reasonable time shall be defined as a maximum of 1 hour each way.

**Amount of Expense:** To establish the reasonableness of child care costs, SNRHA will use the schedule of child care costs from the local welfare agency and survey local providers annually to determine reasonable expenses for child care. Families may present, and SNRHA will consider, justification for costs that exceed typical costs in the area.



## **PART III: CALCULATING FAMILY SHARE AND SNRHA SUBSIDY**

### **5-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS**

#### **Total Tenant Payment (TTP) Formula [24 CFR 5.628]**

HUD regulations specify the formula for calculating the Total Tenant Payment (TTP) for an assisted 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 established by SNRHA.

SNRHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 5-III.B.

The amount a family pays for rent and utilities (the family share) will never be less than the family's TTP - but may be greater than the TTP depending on the rent charged for the unit the family selects.

#### ***Welfare Rent [24 CFR 5.628]***

##### SNRHA Policy

Welfare rent does not apply in this locality.

#### ***Minimum Rent [24 CFR 5.630]***

##### SNRHA Policy

The minimum rent for this locality is \$50.

#### **Family Share [24 CFR 982.305(a)(5)]**

If a family chooses a unit with a gross rent (rent to owner plus an allowance for participant-paid utilities) exceeding SNRHA's applicable payment standard:

- (1) the family will pay more than the TTP, and
- (2) at initial occupancy SNRHA may not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 calendar days before the family's voucher was issued. (For a discussion of the application of payment standards, see section 6-III.C.)

#### **SNRHA Subsidy [24 CFR 982.505(b)]**

SNRHA will pay a monthly housing assistance payment (HAP) for a family that is equal to the lower of:



- (1) the applicable payment standard for the family minus the family's TTP or
- (2) the gross rent for the family's unit minus the TTP. (For a discussion of the application of payment standards, see Section 5-III.C)

### **Utility Reimbursement [24 CFR 982.514(b); 982.514(c)]**

When SNRHA subsidy for a family exceeds the rent to owner, the family is due a utility reimbursement. HUD permits SNRHA to pay the reimbursement to the family or directly to the utility provider.

#### SNRHA Policy

SNRHA will make utility reimbursements to the family.

According to HUD's Final Rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule," SNRHA may elect to establish policies regarding the frequency of Utility Reimbursement Payments (URP) for payments made to the family,

1. SNRHA will have the option of making URPs not less than each calendar-year quarter for reimbursements. In the event a family leaves the program in advance of its next quarterly reimbursement, SNRHA would be required to reimburse the family for a prorated share of the applicable reimbursement. PHAs exercising this option must have a hardship policy in place for participants.
2. If SNRHA elects to pay the utility supplier directly, SNRHA must notify the family of the amount paid to the utility supplier.

#### SNRHA Policy

SNRHA will make utility reimbursement payments directly to the family on a monthly basis.

### **5-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]**

#### **Overview**

If SNRHA establishes a minimum rent greater than zero, SNRHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If SNRHA determines a hardship exists, the family share is the highest of the remaining components of the family's calculated TTP.

#### **HUD-Defined Financial Hardship**

Financial hardship includes the following situations:

- (1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family 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.

#### SNRHA Policy

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following:

- (1) implementation of assistance, if approved, or
- (2) the decision to deny assistance.

A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

- (2) The family would be evicted because it is unable to pay the minimum rent.

#### SNRHA Policy

For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent to the owner or participant-paid utilities.

- (3) Family income has decreased because of changed family circumstances, including the loss of employment.
- (4) A death has occurred in the family.

#### SNRHA Policy

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income.)

- (5) The family has experienced other circumstances determined by SNRHA.

#### SNRHA Policy

SNRHA has not established any additional hardship criteria.

### **Implementation of Hardship – Exemption**

#### ***Determination of Hardship***

When a family requests a financial hardship exemption, SNRHA must suspend the minimum rent requirement beginning the first of the month following the family's request.

SNRHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

#### SNRHA Policy

SNRHA defines temporary hardship as a hardship expected to last 90 calendar days or less. Long-term hardship is defined as a hardship expected to last more than 90 calendar days.



When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

<b>Example: Impact of Minimum Rent Exemption</b>			
Assume the PHA has established a minimum rent of \$50.			
<b>Family Share – No Hardship</b>		<b>Family Share – With Hardship</b>	
\$0	30% of monthly adjusted income	\$0	30% of monthly adjusted income
\$15	10% of monthly gross income	\$15	10% of monthly gross income
N/A	Welfare rent	N/A	Welfare rent
\$50	Minimum rent	\$50	Minimum rent
Minimum rent applies.		Hardship exemption granted.	
TTP = \$50		TTP = \$15	

SNRHA Policy

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family’s ability to pay the minimum rent.

SNRHA will make the determination of hardship within 30 calendar days.

***No Financial Hardship***

If SNRHA determines there is no financial hardship, SNRHA will reinstate the minimum rent and require the family to repay the amounts suspended.

SNRHA Policy

SNRHA will require the family to repay the suspended amount within 30 calendar days of SNRHA’s notice that a hardship exemption has not been granted.

***Temporary Hardship***

If SNRHA determines a qualifying financial hardship is temporary, SNRHA must suspend the minimum rent for the 90 calendar day period beginning the first of the month following the date of the family’s request for a hardship exemption.

At the end of the 90 calendar day suspension period, the family must resume payment of the minimum rent and must repay SNRHA the amounts suspended. HUD requires SNRHA to offer a reasonable repayment agreement, on terms and conditions established by SNRHA. SNRHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

SNRHA Policy

SNRHA will enter into a repayment agreement in accordance with the procedures found in Chapter 14 of this plan.

***Long-Term Hardship***



If SNRHA determines the financial hardship is long-term, SNRHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family’s request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

#### SNRHA Policy

The hardship period ends when any of the following circumstances apply:

- (1) At an interim or annual reexamination, the family’s calculated TTP is greater than the minimum rent.
- (2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.

### **5-III.C. APPLYING PAYMENT STANDARDS [24 CFR 982.505; 982.503(b)]**

#### **Overview**

SNRHA’s schedule of payment standards is used to calculate housing assistance payments for HCV families. This section covers the application of SNRHA’s payment standards. The establishment and revision of SNRHA’s payment standard schedule are covered in Chapter 16.

*Payment standard* is defined as “the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)” [24 CFR 982.4(b)].

The payment standard for a family is the lower of

- (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under SNRHA’s subsidy standards [24 CFR 982.4(b)], or
- (2) the payment standard for the size of the dwelling unit rented by the family.

If SNRHA has established an exception payment standard for a designated part of an FMR area and a family’s unit is located in the exception area, SNRHA must use the appropriate payment standard for the exception area.

SNRHA is required to pay a monthly housing assistance payment (HAP) for a family that is the lower of

- (1) the payment standard for the family minus the family’s TTP or
- (2) the gross rent for the family’s unit minus the TTP.

If during the term of the HAP contract for a family’s unit, the owner lowers the rent, SNRHA will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit [HCV GB, p. 7-8.]



## **Changes in Payment Standards**

When SNRHA revises its payment standards during the term of the HAP contract for a family's unit, it will apply the new payment standards in accordance with HUD regulations.

### ***Decreases***

If the amount on the payment standard schedule is decreased during the term of the HAP contract, the lower payment standard generally will be used beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard. SNRHA will determine the payment standard for the family as follows:

**Step 1:** At the first regular reexamination following the decrease in the payment standard, SNRHA will determine the payment standard for the family using the lower of the payment standard for the family unit size or the size of the dwelling unit rented by the family.

**Step 2:** SNRHA will compare the payment standard from Step 1 to the payment standard last used to calculate the monthly housing assistance payment for the family. The payment standard used by SNRHA at the first regular reexamination following the decrease in the payment standard will be the higher of these two (2) payment standards. SNRHA will advise the family that the application of the lower payment standard will be deferred until the second regular reexamination following the effective date of the decrease in the payment standard.

**Step 3:** At the second regular reexamination following the decrease in the payment standard, the lower payment standard will be used to calculate the monthly housing assistance payment for the family unless SNRHA has subsequently increased the payment standard, in which case the payment standard will be determined in accordance with procedures for increases in payment standards described below.

### ***Increases***

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

Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7-8.]

### ***Changes in Family Unit Size***

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

## **Reasonable Accommodation**

If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, SNRHA is allowed to establish a higher payment



standard for the family of not more than 120 percent of the published FMR. Over the basic range, SNRHA will seek HUD's approval.

### **5-III.D. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]**

#### **Overview**

SNRHA established utility allowance schedule is used in determining the family's share and SNRHA subsidy. SNRHA must use the appropriate utility allowance for the size of dwelling unit actually leased by a family rather than the voucher unit size for which the family qualifies using SNRHA subsidy standards.

#### **Reasonable Accommodation**

HCV program regulations require SNRHA to approve a utility allowance amount higher than shown on SNRHA's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, SNRHA will approve an allowance for air-conditioning, even if SNRHA has determined an allowance for air-conditioning generally is not needed.

The family must request the higher allowance and provide SNRHA with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required [HCV GB, p. 18-8.]

#### **Utility Allowance Revisions**

At reexamination, SNRHA must use SNRHA current utility allowance schedule [HCV GB p. 18-8.]

#### SNRHA Policy

Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination that is effective after the allowance is adopted.

### **5-III.E. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520]**

HUD regulations prohibit assistance to ineligible family members. A *mixed family* includes at least one (1) U.S. citizen or eligible immigrant and any number of ineligible family members. SNRHA must prorate the assistance provided to a mixed family. SNRHA will first determine assistance as if all family members were eligible and then prorate the assistance based upon the percentage of family members that actually are eligible. For example, if SNRHA subsidy for a family is calculated at \$500 and two (2) of four (4) family members are ineligible, SNRHA subsidy would be reduced to \$250.

\* \* \* Exhibit 5-1... See Next Page



## EXHIBIT 5-1: 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<sup>1</sup>; 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

<sup>1</sup> Text of 45 CFR 260.31 follows.



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.

<p style="text-align: center;"><b>HHS DEFINITION OF "ASSISTANCE"</b></p>
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**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.

(8) Income received under provisions of 38 U.S.C. 1805 to a child suffering from Spina Bifida who is a child of a Vietnam veteran.

(9) Amounts received under the School Lunch Act and the Child Nutrition Act of 1966 (42 U.S.C 1780(b), including reduced-price

lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC).

(10) Payments received by members of the Seneca Nation under the Seneca Nation Settlement Act of 1990.

(11) Payments from any deferred Department of Veteran Affairs disability benefits that are received in a lump-sum amount or in prospectively monthly amounts.

(12) Amounts received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation if the recipient is assisted under a program authorized by the Native American Housing Assistance and Self-Determination Act of 1996.

\* \* \* Exhibit 5-2... See Next Page





## EXHIBIT 5-2: 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 participant 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, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or 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 chart for a 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
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- 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);

For the HCV program, the exception found in 327 of Public Law 109-115 applies and requires that the amount of financial assistance in excess of tuition shall be considered as income in accordance with the provisions codified at 24 CFR 5.609 (b)(9), except for those persons with disabilities as defined by 42 USC 1437 (b)(E).

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 born with certain birth defects, and to children of certain Korean service veterans. (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) Amounts specially executed 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 exclusion set forth in 24 CFR 5.609 (c ) apply.

\* \* \* Exhibit 5-3... See Next Page



### EXHIBIT 5-3: 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 participant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or 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 participant 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 5-4... See Next Page



## EXHIBIT 5-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

### 24 CFR 5.617 Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.

(a) *Applicable programs.* The disallowance of increase in annual income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

(b) *Definitions.* The following definitions apply for purposes of this section.

*Baseline income.* The annual income immediately prior to implementation of the disallowance described in paragraph (c)(1) of this section of a person with disabilities (who is a member of a qualified family.)

*Disallowance.* Exclusion from annual income.

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

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

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

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation

in any economic self-sufficiency or other job training program; or

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

(c) *Disallowance of increase in annual income—*

(1) Initial twelve month exclusion. During the 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.



(2) Second twelve month exclusion and phase-in. Upon expiration of the 12-month period defined in paragraph (c)(1) of this section and for the subsequent 12-month period, the responsible entity must exclude from annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

(3) *Maximum 2-year disallowance.* The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) of this section is limited to a lifetime 24-month period. The disallowance applies for a maximum of 12 months for disallowance under paragraph (c)(1) of this section and a maximum of 12 months for disallowance under paragraph (c)(2) of this section, during the 24-month period starting from the initial exclusion under paragraph (c)(1) of this section.

(4) *Effect of changes on currently participating families.* Families eligible for and participating in the disallowance of earned income under this section prior to *May 9, 2016* will continue to be governed by this section in effect as it existed immediately prior to that date (see 24 CFR parts 0 to 199, revised as of April 1, 2016).

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

\* \* \* Exhibit 5-5... See Next Page



## EXHIBIT 5-5: 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 benefit 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 resident 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 resident 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 resident does not agree with the PHA determination, the resident may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The resident is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of resident 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 6

### VERIFICATION

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, and Notice PIH 2018-18]

#### INTRODUCTION

SNRHA must verify all information 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 program participants must cooperate with the verification process as a condition of receiving assistance. SNRHA must not pass on the cost of verification to the family.

SNRHA will follow the verification guidance provided by HUD in PIH Notice 2018-18, Verification Guidance and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary SNRHA 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 of SNRHA.

#### PART I: GENERAL VERIFICATION REQUIREMENTS

##### **6-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]**

The family must supply any information SNRHA or HUD determines is necessary to the administration of the program and must consent to SNRHA verification of that information [24 CFR 982.551.]

##### **Consent Forms**

It is required that all adult applicants and participants 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 SNRHA 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, SNRHA will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with SNRHA procedures.

## **6-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS**

### **HUD's Verification Hierarchy [Notice PIH 2018-18]**

HUD authorizes SNRHA to use six (6) methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires SNRHA to use the most reliable form of verification available and to document the reasons when SNRHA uses a lesser form of verification.

#### SNRHA Policy

**Upfront Income Verification (UIV):** The verification of income at admission 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. HUD's **Enterprise Income Verification System (EIV)** is considered to be this method. This is currently not available for applicants.

SNRHA shall not verify income in accordance with the following Verification Hierarchy for fully excluded income such as Supplemental Nutrition Assistance Program (SNAP) benefits formerly known as food stamps. Document on file narratives shall not be required for fully excluded incomes to state why third party verification was not received (PIH Notice-2013-4). Additionally, SNRHA shall not enter this income on section 7 of the HUD form 50058. SNRHA shall accept the participant's self-certification on the reexamination application of fully excluded income. SNRHA has the option of requiring additional verification, as needed.

SNRHA shall not follow the Verification Hierarchy below when completing annuals reexaminations for elderly or disabled families on "fixed" non-wage income.

SNRHA shall simplify the requirements associated with determining the annual income of participants on "fixed income- non-wage" when 100% of the family's income consists fixed income. SNRHA has opted to conduct streamlined reexaminations by recalculating of the family's income by applying any published cost of living adjustments to the previously verified income amount in compliance with PIH Notice 2013-03.

For the purpose of this policy, as noted in PIH 2013-03, fixed income includes income from:

1. Social Security payments including SSI and SSDI
2. Federal, State, local and private pensions plans; and
3. Other periodic payments from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts that are of substantially the same amount from year to year.



**The Verification Hierarchy.** SNRHA shall begin with the highest level of verification techniques, except as noted in 6.I.B. PHAs are required to access the EIV system and obtain an Income Report for each household. SNRHA shall maintain the Income Report in the participant’s file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition.

If the Income Report does not contain any employment and income information for the family, SNRHA shall attempt the next lower level verification technique, as noted in the below:

Level	Verification Technique	Ranking
6	<b>Upfront Income Verification (UIV)</b> using HUD’s Enterprise Income Verification (EIV) system(not available for income verifications of applicants)	<b>Highest</b> (Mandatory)
5	<b>Upfront Income Verification (UIV)</b> using non-HUD system	<b>Highest</b> (Optional)
4	<b>Written third Party Verification</b>	<b>High</b> (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 <b>and</b> is unable to provide acceptable documentation to support dispute)
3	<b>Written Third Party Verification Form</b>	<b>Medium-Low</b> (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	<b>Oral Third Party Verification</b>	<b>Low</b> (Mandatory if written third party verification is not available)
1	<b>Participant Declaration</b>	<b>Low</b> (Use as a last resort when unable to obtain any type of third party verification)

## Verification Technique Definitions

### 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. It should be noted the EIV system is available to all PHAs as a UIV technique. PHAs are encouraged to continue using other non-HUD UIV tools, such as The Work Number (an automated verification system) and state government databases, to validate participant-reported income.

**Written Third Party Verification (Level 4):** An original or authentic document generated by a third-party source dated either within the 60-calendar day period preceding the reexamination or PHA 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 Department’s position that such participant-provided documents are written third party verification since these documents originated from a third party source. SNRHA 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 must be used for income and rent determinations.

SNRHA shall require four (4) current and consecutive pay stubs for determining annual income for wages or at SNRHA’s discretion, more pay stubs maybe required. For new income sources or if there is a decrease in earned income, SNRHA will require the last two (2) or more current and consecutive pay stubs or a new hire/updated letter with date of hire, wages, and hours. SNRHA should 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 SNRHA’s interview/determination or request date) is acceptable for confirming effective dates of income.

**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. The form is completed by the third party by hand (in writing or typeset). SNRHA shall send the form directly to the third party source by mail, fax, or email.

It is the Department’s position that the administrative burden and risk associated with use of the traditional third-party verification form may be reduced by PHAs relying on acceptable documents generated by a third party, but in the possession of and provided by the participant (or applicant.) Many documents in the possession of the participant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.)

The Department recognizes 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.

The Department requires PHAs 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.

**Oral Third Party Verification (Level 2):** Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. SNRHA staff shall document in the participant file, the date and time of the telephone call (or visit to the third party,) the name of the person contacted and telephone number, along with the confirmed information.

This verification method is commonly used in the event that the independent source does not respond to the PHA’s faxed, mailed, or e- mailed request for information in a reasonable time frame, i.e., ten (10) business days.

**Non-Third-Party Verification Technique - Participant Declaration (Level 1):** The participants submit an affidavit or notarized statement of reported income and/or expenses to SNRHA. This verification method should be used as a last resort when SNRHA has not been successful in obtaining information via all other verification techniques. When SNRHA relies on participant declaration, SNRHA must document in the participant file why third party verification was not available.



### **Exceptions to Third Party Verification Requirements**

HUD is aware 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.**”

**Third Party Verification Requirements.** In accordance with 24 CFR §960.259(c)(1) and 24 CFR §982.516(a)(2) for the Public Housing and the HCV programs, respectively, the PHA must obtain and document in the participant file third party verification of the following factors, or must document in the participant file why third-party verification was not available: (i) reported family annual income; (ii) the value of assets; (iii) expenses related to deductions from annual income; and (iv) other factors affecting the determination of adjusted income.

**How to comply with and reduce administrative burden of third-party verification requirements of family annual income.** PHAs can comply with and reduce administrative burden of third-party verification requirements for employment, wage, and unemployment compensation and social security benefits and any other information that is verifiable using EIV by:

- a. Reviewing the EIV Income Report and Income Validation Tool (IVT) to confirm/validate participant-reported income;  
and;
- b. Printing and maintaining an EIV Income Report (or an EIV Individual Control Number (ICN) page for interim reexaminations as prescribed in Section 12 of this Notice) in the participant file; and;
- c. Obtaining current acceptable participant-provided documentation to supplement EIV information;  
and;
- d. Using current participant-provided documentation and/or third party verification to calculate annual income.

**Note:** Social Security benefit information in EIV is updated every three (3) months. If the participant agrees with the EIV-reported benefit information, PHAs do not need to obtain or request a benefit verification letter from the participant. See PIH Notice 2010-03 for guidance on verifying Social Security benefit income through the EIV system.

The PHA may also reduce the administrative burden of obtaining third party verification by relying on acceptable documents generated by a third party, but provided by the participant. Many documents in



the possession of the participant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

**When the PHA is required to request written third-party verification.** The PHA must request written third party verification under the following circumstances:

- a. When the participant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute (24 CFR §5.236(b));
- b. When the PHA requires additional information not available in EIV and /or the participant is unable to provide the PHA with current acceptable participant-provided documentation. Examples of additional information, includes but is not limited to:
  - i. Effective dates of income (i.e. employment, unemployment compensation, or social security benefits)
  - ii. For new employment: pay rate, number of hours worked per week, pay frequency, etc.
  - iii. Confirmation of change in circumstances (i.e. reduced hours, reduced rate of pay, temporary leave of absence, etc.)

**Note:** 24 CFR §5.236(a), prohibits PHAs from taking adverse action based solely on EIV

### **Requirements for Acceptable Documents**

#### SNRHA Policy

Any documents used for verification may be the original (or photocopies) and generally must be dated within 60 calendar days of the date they are provided to SNRHA. The documents must not be damaged, altered or in any way illegible. All participant supplied documents should be dated no more than 60 calendar days before the effective date of the family's reexamination or SNRHA's request date, if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity provides semi-annual reports, SNRHA would accept the most recent report.

Print-outs from web pages are considered original documents.

Pay stubs which must be current and consecutive when used with EIV and must not be older than 60 calendar days from the request date or 60 calendar days prior to the annual recertification effective date. Four (4) consecutive pay stubs will be required when using EIV for annuals and two (2) for new hire verifications.

Examples of acceptable participant-provided documentation (generated by a third party source) include, but are not limited to: pay stubs, payroll summary reports, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices, bank statements, and local agencies' employer letter/notices. Current acceptable participant-provided documents must be used for income and rent determinations. SNRHA is required to obtain a minimum of four (4) consecutive pay stubs for determining annual income from wages. For new income sources or when two (2) pay stubs are not available, the PHA should 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 date SNRHA interview/ determination or request date) is acceptable for confirming effective dates of income.

- SNRHA staff member who views the original document must make a photocopy.
- Any family self-certifications must be made in a format acceptable to SNRHA. .

### **File Documentation**

SNRHA 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 SNRHA has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

#### SNRHA Policy

SNRHA 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 SNRHA is unable to obtain 3rd party verification, SNRHA will document in the family file the reason third-party verification was not available (including oral verification attempt) and will place a photocopy of any original document(s) in the family file. [ 24 CFR 982.516(a)(2); PIH Notice 2018-18.]

### **6-I.C. UP-FRONT INCOME VERIFICATION (UIV)**

HUD strongly recommends the use of up-front income verification (UIV.) 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]. UIV includes the HUD EIV system and other upfront verification tools such as the Work Number.

HUD allows SNRHA to use the EIV information in conjunction with family-provided documents to anticipate income.

#### SNRHA Policy

SNRHA will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

HUD's Enterprise Income Verification System (EIV)

SNRHA must restrict access to and safeguard UIV data in accordance with HUD guidance on security procedures, as issued and made available by HUD.

There may be legitimate differences between the information provided by the family and EIV-generated information. No adverse action can be taken against a family until SNRHA has independently





verified the EIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of SNRHA.

### **Use of HUD's Enterprise Income Verification (EIV) System**

HUD's EIV system contains data showing earned income, unemployment benefits, Social Security and SSI benefits for participant families. HUD requires SNRHA to use the EIV system when available. The following policies will apply when SNRHA has access to HUD's EIV system.

The EIV system contains two (2) main components: participant income data reports and "exceeds threshold" reports.

#### ***Tenant Income Data (TID) Reports (EIV)***

The data shown on TID reports is updated quarterly. Data may be between three (3) and six (6) months old at the time reports are generated.

##### SNRHA Policy

SNRHA will obtain EIV reports for annual reexaminations on a monthly basis. SNRHA shall also obtain EIV reports for interims. Reports will be generated as part of the regular reexamination process.

EIV reports will be compared to family-provided information as part of the annual reexamination process. EIV reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between EIV reports and family-provided information will be resolved as described in Chapter 5.I.D. and in this chapter.

EIV reports will be retained in participant's files with the applicable annual or interim reexamination documents.

When SNRHA determines through EIV reports and third party verification a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 16, Program Integrity.

#### ***Exceeds Threshold Reports (ETRs)***

The ETR is a tool for identifying families who may have concealed or under-reported income. Data in the ETR represents income for past reporting periods and may be between six (6) months and 30 months old at the time ETRs are generated.

Families who have not concealed or under-reported income may appear on the ETR in some circumstances, such as loss of a job or addition of new family members.

##### SNRHA Policy

SNRHA will generate and review ETRs on a monthly basis. The ETR threshold percentage will be adjusted as necessary based on the findings in the ETRs.



In reviewing ETRs, SNRHA will begin with the largest discrepancies. The top ten (10) families will be reviewed monthly.

When SNRHA determines a participant appearing on the ETR has not concealed or under-reported income, the participant's name will be placed on a list of "false positive" reviews. To avoid multiple reviews in this situation, participants appearing on this list will be eliminated from ETR processing until a subsequent interim or annual reexamination has been completed.

When it appears a family may have concealed or under-reported income, SNRHA will request third-party written verification of the income in question.

When SNRHA determines through ETR review and third party verification a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 16, Program Integrity.

### ***Income Discrepancy Resolution***

SNRHA shall reconcile income discrepancies.

#### SNRHA Policy

SNRHA shall proceed as follows:

SNRHA shall identify underreported income and/or unreported income sources: EIV Income Discrepancies Reports shall be run at least quarterly and appropriate actions taken.

No adverse action may be taken based **solely** on EIV data. In order to protect any individual whose records are being used in a matching program, no recipient agency, non-Federal agency, or source agency may suspend, terminate, reduce or make a final denial of any financial assistance or payment under a Federal Benefit program to such individual, as a result of information produced by such matching program, until the agency has independently verified the information;

Review current and historical 50058s;

Verify effective dates of new and terminated income sources;

Discuss the income discrepancy with the participant;

View past and current interim and annual recertification documents in the participant's file;

Obtain additional documents from the participant and/or third party (if necessary ;)

Obtain Social Security Earnings Statement (SSA Form 7004) for historical wage earnings (Form available on HUD's website) for retroactive rent calculations.

### ***EIV Identity Verification***

The EIV system verifies participant identities against SSA records. These records are compared to PIC data for a match on Social Security number, name, and date of birth.



PHAs are required to use EIV's Identify Verification Reports on a monthly basis to improve the availability of income information in EIV (PIH Notice 2018-18)

When identity verification for a participant fails, a message will be displayed within the EIV system and no income information will be displayed.

#### SNRHA Policy

SNRHA will identify participants whose identity verification has failed as part of the annual reexamination process.

SNRHA will attempt to resolve PIC/SSA discrepancies by reviewing file documents. When SNRHA determines discrepancies exist due to SNRHA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly and correction transmitted to HUD.

#### **Review of EIV Reports:**

SNRHA shall monitor EIV Reports according to the following schedule:

- The following reports shall be ran and reviewed and appropriate actions taken:
  - Identity Verification Report (Failed EIF Pre-screening; Failed Verification, Pending Verification) Monthly
  - Income Discrepancies –Quarterly
  - Debts Owed to Other PHAs – Admissions Department
  - Multiple Subsidy –At Admissions and Quarterly
  - Deceased Participants –Monthly
  - New Hires- Quarterly
  - Immigration Reports – Monthly

Outcomes of these reviews shall be maintained in binders for future reference.

### **6-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION**

#### **Reasonable Effort and Timing**

Unless third-party verification is not required as described herein, HUD requires SNRHA to make an attempt to obtain third-party verification before using another form of verification [VG, p. 15.]

#### SNRHA Policy

SNRHA will diligently seek third-party verification using the Verification Hierarchy Chart (in this chapter) as guideline for order of verifications, except as noted for streamlining for elderly (62 years old) and disabled on fixed (non-waged) income AND who receive income only from fixed income sources (See charts on pages 6-3 and 6-4.)

Fixed income sources include Social Security and SSI, governmental or private pensions, and other periodic payments of substantially the same amounts from year to year.



In a streamlined annual reexamination, the PHA calculates annual income by applying any published cost of living adjustment (COLA) to the previously-verified income amount.

For elderly and disabled families with fixed incomes, SNRHA will recalculate annual income by applying any published COLA to previously-verified amounts. Current documentation of fixed income is not required.

HUD's Final Rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher Final Rule."

### **Streamline Annual Reexaminations:**

HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. The PHA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, the PHA must perform third-party verification of all income sources.

Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

Two streamlining options are available, depending upon the percentage of the family's income that is received from fixed sources. If at least 90 percent of the family's income is from fixed sources, the PHA may streamline the verification of fixed income but is not required to verify non-fixed income amounts. If the family receives less than 90 percent of its income from fixed sources, the PHA may streamline the verification of fixed income and must verify non-fixed income annually.

#### PHA Policy

The PHA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. The PHA will document in the file how the determination that a source of income was fixed was made.

If a family member with a fixed source of income is added, the PHA will use third-party verification of all income amounts for that family member.

If verification of the COLA or rate of interest is not available, the PHA will obtain third-party verification of income amounts.

Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources.



### **Third-Party Written Verification [PIH Notice 2018-18]**

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail, email, or fax. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically direct from the source as well as items as noted in the Verification Hierarchy Chart (Including those provided directly from a clients) are considered third party written verifications.

#### SNRHA Policy

SNRHA will accept verifications in the form of computerized printouts, showing payments, faxed, emailed, mailed or received via upfront verification systems directly from the following agencies:

- Social Security Administration –EIV;
- Veterans Administration;
- Welfare Assistance;
- Unemployment Compensation Board;
- City or County Courts;
- Other State and Federal Offices, including HUD.

SNRHA will use computer printouts as well as other acceptable forms of third party verification that do not appear as altered and are on a business or other entity's letterhead, received directly from the family for calculation family's income. Staff must attempt third party verification when EIV nor family provided acceptable documentation is not available. If no response, then staff must attempt oral verifications and must document on the file narrative why third party was not used and complete an oral verification form.

If the family disputes the information provided by the third party, the staff is to seek further clarification by phone with the third party. The information provided by the 3rd party is to prevail.

### **Third-Party Oral Verification [Notice PIH 2018-18]**

#### SNRHA Policy

Oral third-party verification will be used when written third-party verification is delayed; not returned within ten (10) calendar days or not possible. When third-party oral verification is used, staff will be required to complete an Oral Verification (Review of Documents) form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, SNRHA will document the file narrative and utilize



documents provided by the participant. If the oral is provided by telephone, SNRHA must originate the call.

## **Review of Documents**

### SNRHA Policy

In the event third-party written is not returned within ten (10) calendar days or oral verification is unavailable, or the information has not been verified by the third party within ten (10) calendar days, SNRHA will notate the file narrative accordingly; ensure copies of documents requiring the third party verification are in file. Oral third party verification should be attempted prior to utilizing documents provided by the family as the primary source if the documents provide complete information and the file narrative must be documented.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete an Oral Verification/Review of Documents form.

SNRHA will accept the following documents from the family provided the document is such where tampering would be easily noted:

- Printed wage stubs;
- Computer printouts from the employer;
- Employer's letters and wage printouts;
- Bank Statements;
- Award Letters;
- Pension Letters;
- Signed letters (provided that the information is confirmed by phone);
- Other documents noted in this Chapter as acceptable verification.

Although these documents will be accepted, SNRHA will also mail third party verifications to the source; attempt upfront verification and use these documents only after there has been no response to the third party verification method.

SNRHA will accept faxed or emailed documents.

SNRHA will accept mail from the third party source.

SNRHA will accept hand carried documents from clients as long as they do not appear as altered and provide required documentation regarding wages.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, SNRHA will attempt to contact the verification provider by telephone to resolve the discrepancy. If the attempt to resolve the discrepancy by telephone is unsuccessful, SNRHA will use the third party verification.



SNRHA will not delay the processing of an application beyond 30 calendar days, except due to screening for criminal history, because a third party information provider does not return the verification in a timely manner. The next steps in the verification process shall be attempted after ten (10) calendar days, unless the family has been given an extension.

### **Self-Certification/Self-Declaration**

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

### **When Third-Party Information is Late**

When third-party verification has been requested and the timeframes for submission have been exceeded, SNRHA will use the information from documents on a provisional basis.

#### SNRHA Policy

If SNRHA later receives third-party verification different from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, SNRHA will conduct an interim reexamination to adjust the figures used for the reexamination, regardless of SNRHA's interim reexamination policy, if needed.

### **When Third-Party Verification is Not Required [PIH Notice 2018-18]**

#### ***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 and for verification of checking/saving accounts.

#### ***Certain Assets and Expenses***

SNRHA 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].

SNRHA will determine third-party verification is not available if the asset or expense involves an insignificant amount, making it not cost-effective or reasonable to obtain third-party verification [VG, p. 15.]

SNRHA will not verify assets less than \$5,000.00. For assets less than \$5,000.00 SNRHA shall accept the participant's declared amount, no additional verification is required. SNRHA will obtain third party verification for assets in the amount of \$5,000.00 or more.

According to HUD's Final Rule (FR-5743-F-03) dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule," SNRHA must obtain third party verification every three (3) years for **all** assets regardless of the amount. SNRHA is due to verify all assets in 2022 and every three (3) years thereafter.

#### SNRHA Policy



SNRHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset is less than \$5,000.00.

### ***Certain Income, Asset, and Expense Sources***

SNRHA will determine third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification [VG, p. 15.] For example, SNRHA will rely upon review of documents when SNRHA determines a third party's privacy rules prohibit the source from disclosing information.

#### **SNRHA Policy**

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

If the family cannot provide original documents, SNRHA 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 [VG, p. 18.]

### ***RELEASE OF INFORMATION [24 CFR 5.230]***

Adult family members (age 18 and older) will be required to sign the HUD 9886 Release of Information/Privacy Act form. In addition, family members will be required to sign specific authorization forms when information is needed and is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice. Additional release forms as developed by SNRHA are considered required forms that all applicants and participants must sign.

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

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

### ***COMPUTER MATCHING***

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

#### **SNRHA Policy**

SNRHA will utilize the HUD established computer-based Participant Eligibility Verification System (EIV) for obtaining Social Security benefits, Supplemental Security Income benefit history, and participant income discrepancy reports from the Social Security Administration.





Additionally, to the extent possible, SNRHA will use the UIV systems to obtain upfront verification of wages and Child Support data systems for verification of child support when available.

When computer matching results in a discrepancy with information in SNRHA records, SNRHA will follow up with the family and verification sources to resolve this discrepancy. If the family has unreported or underreported income, SNRHA will follow the procedures in the Program Integrity Addendum of the Administrative Plan.

### ***ITEMS TO BE VERIFIED [24 CFR 982.516]***

All income not specifically excluded by the regulations.

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

Current assets including assets disposed of for less than fair market value in preceding two (2) years.

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

Total un-reimbursed medical expenses of all family members in households whose head or spouse is elderly or disabled.

Un-reimbursed disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family allowing an *adult* family member to be employed.

Disability for determination of preferences, allowances or deductions.

Eligible immigrant status;

Social Security Numbers for all family members except non-citizens.

(Note: When HUD changes the requirements to require all family members provide social security numbers, regardless of age, SNRHA will follow this requirement):

"Preference" status;

Familial/Marital status when needed for head or spouse definition to determine deductions;

Need for reasonable accommodations; and/or

Verification of sanctions by the Nevada Office of Human Services indicating TANF benefits have been reduced for either welfare fraud or failure to comply with economic self-sufficiency requirements.

### **SNRHA Policy**

SNRHA will obtain written verification from the welfare agency stating the family's benefits have been reduced for fraud or noncompliance with economic self-sufficiency requirements



*before* denying the family's request for rent reduction. The verification will include the amount of the sanction and the duration.

### ***VERIFICATION GUIDANCE [24 CFR 982.516]***

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

#### **Employment Income**

##### SNRHA Policy

Verification forms request the employer to specify the:

Dates of employment;

Amount and frequency of pay;

Date of the last pay increase;

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

Year to date earnings;

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

*Acceptable methods of verification include, in this order:*

1. EIV with a minimum of four (4) consecutive current paystubs or two (2) consecutive paystubs for new employment or a decrease in wages.
2. Third party written verification.
3. Employment verification form completed by the employer.
4. Oral third party.
5. Review of documents.
6. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings. At least pay stubs are required when third party verification cannot be obtained.
7. W-2 forms and IRS Form 4506-T release.
8. Self-certifications may be used for verifying self-employment income, or income from tips and other gratuities.

In cases where there are questions about the validity of information provided by the family, SNRHA will require the most recent federal income tax statements to be obtained via use of IRS Form 4506-T.

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

##### SNRHA Policy



*Acceptable methods of verification include, in this order:*

1. For elderly and disabled families with fixed incomes, the PHA will recalculate annual income by applying any published COLA to previously-verified amounts. Current documentation of fixed income is not required.
2. If the family receives any income from a non-fixed income source, SNRHA will not streamline the annual reexamination.
3. Published cost of living adjustments to previously verified income amounts
4. EIV
5. Benefit verification form completed by agency providing the benefits.
- 6 Award or benefit notification letters prepared and signed by the providing agency that is no more than 60 calendar days old.

## **Unemployment Compensation**

### SNRHA Policy

*Acceptable methods of verification include, in this order:*

1. EIV
2. Verification form completed by the unemployment compensation agency.
3. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.
4. Payment stubs

## **Welfare Payments or General Assistance**

### SNRHA Policy

*Acceptable methods of verification include, in this order:*

1. Written statement from payment provider indicating the amount of grant/payment, start date of payments, family members, and anticipated changes in payment in the next 12 months.
2. Computer-generated Notice of Action.

## **Alimony or Child Support Payments**

### SNRHA Policy

*Acceptable methods of verification include, in this order:*

1. Print out received via third party verification from the DA's office.
2. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.



3. A third party verification form completed by the person paying the support.
4. A letter from the person paying the support.
5. Copy of latest check and/or payment stubs from Court Trustee. SNRHA must record the date, amount, and number of the check if not photocopied.
6. 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 payments are irregular, the family must provide:

A statement from the agency responsible for enforcing payments to show the family has filed for enforcement.

A self-certification from the family indicating the amount(s) received.

A Welfare Notice of Action showing amounts received by the DA –Child Support Division.

A written statement from an attorney certifying a collection or enforcement action has been filed.

## **Net Income from a Business**

### SNRHA Policy

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

*Acceptable methods of verification include:*

1. IRS Form 1040, including:
  - Schedule C (Small Business)
  - Schedule E (Rental Property Income)
  - Schedule F (Farm Income)

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.

2. Audited or unaudited financial statement(s) of the business.
3. Credit report or loan application.
4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.



5. Family's self-certification as to net income realized from the business during previous years.

### **Child Care Business**

#### SNRHA Policy

The childcare provider must be 18 years of age or older.

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

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

If the family has filed a tax return, the family will be required to provide it via Form IRS 4506-T.

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

### **Recurring Gifts**

#### SNRHA Policy

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

- The person who provides the gifts;
- The value of the gifts;
- The regularity (dates) of the gifts and/or
- The purpose of the gifts.

SNRHA shall send out verifications to the donors.

### **Full-time Student Status**

Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income.

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

#### SNRHA Policy

Verification of full time student status includes:

Written verification from the registrar's office or other school official.

School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution. (State of Nevada: 12 credits)



## ***VERIFICATION OF ASSETS***

### **Family Assets**

SNRHA will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash.)

SNRHA shall not verify income of assets that are less than \$5,000.00. However, participants must list assets and value on their continued occupancy form, which must be signed and dated. This shall be considered as self-certification of accurate information. SNRHA reserves the right to request additional verifications, if necessary to document that assets do not exceed \$5,000.00 in net value or if there is a discrepancy with information provided. All assets must be reported on Form HUD-50058, including assets that do not exceed \$5,000.00.

According to HUD's Final Rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule," SNRHA must obtain third party verification every three (3) years.

*Acceptable verification may include any of the following:*

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

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

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

Real estate taxes statements if the approximate current market value can be reduced from assessment.

Financial statements for business assets.

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

Appraisals of personal property held as an investment.

Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

### **Assets Disposed of - for Less than Fair Market Value (FMV) During Two (2) Years Preceding Effective Date of Certification or Recertification**

#### **SNRHA Policy**

For all certifications and re-certifications, SNRHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two (2) years preceding the effective date of the certification or recertification.



If the family certifies they have disposed of assets for less than fair market value, verification is required showing: (a) all assets disposed for less than FMV, (b) the date they were disposed, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible. Family certification will be accepted if no other verification is possible.

## ***VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]***

### **Medical Expenses**

#### SNRHA Policy

Eligible families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

Written verification by an eye doctor, optician, otolaryngologist, hearing aid provider, or other medical practitioner or provider of medical equipment of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written verification from a medical lab, provider of oxygen, blood products, or other specialized medical supplies of (a) the anticipated medical costs to be incurred by the family and regular payments will be reimbursed by insurance or a government agency.

Written verification from the provider of medical equipment such as hospital bed, scooter, wheelchair, commode, artificial limbs, etc. of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

For attendant care paid to an individual:

A reliable, knowledgeable professional's certification declaring the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Receipts, canceled checks, or pay stubs verifying medical costs and insurance expenses likely to be incurred in the next 12 months.



Copies of payment agreements or most recent invoice verifying payments made on outstanding attendant care bills will continue over all or part of the next 12 months.

Receipts or other record of attendant care expenses incurred during the past 12 months used to anticipate future attendant care expenses.

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

### **Assistance to Persons with Disabilities [24 CFR 5.611(c)]**

In All Cases:

#### SNRHA Policy

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

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

Attendant Care:

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

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

Auxiliary Apparatus:

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

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

### **Live-In Aide**

#### SNRHA Policy

When a participant requires a live-in aide, SNRHA shall submit their signed reasonable accommodation request form to the medical professional noted on their request for third party verification of the need. Once approved by the 504 officer, the participant shall have (90) calendar days to submit the name of the live-in aide and schedule them to come in for screening and approval. The voucher size shall NOT be increased until such time as SNRHA staff has completed their screening of the Live-In Aide in compliance with HUD guidance. The





participant shall be allowed to submit another name for a live-in aide if the first does not pass the screening process.

The approved voucher size would be adjusted, if required to accommodate a room for the live-in aide.

### ***VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b) (15)]***

#### **Verification of Legal Identity**

In order to prevent program abuse, SNRHA will require applicants/participants to furnish verification of legal identity for all adult family members.

##### SNRHA Policy

The documents listed below will be considered acceptable verification of legal identity for adults, as long as they include a picture of the individual. If a document submitted by a family is illegible or otherwise questionable, more than one (1) of these documents may be required.

- Driver's license
- U.S. passport
- Department of Motor Vehicles Identification Card
- Validated Sheriff Card
- Military Identification
- DMV Instructional ID
- Clark County Heath Card with valid photo ID
- Veteran's ID with photo

An original Certificate of Birth is required for all minors. Other documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Adoption papers
- Custody agreement
- School records
- Hospital Birth Certifications
- Passport
- Health and Human Services ID (foster children; adopted children)
- I-94

##### SNRHA Policy

Verification of divorce or separation status will be a Certification of Absent Spouse form being completed by the head of household or any other adult household member, unless the family wishes to submit a formal divorce or separation document from the courts.

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

A marriage certificate generally is required to verify a couple is married.



In the case of a common law marriage, the couple must demonstrate 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, or being a domestic partner as recognized in the State of Nevada (according to Senate Bill 283.))

### ***Familial Relationships***

#### **SNRHA Policy**

Verification of guardianship is:

- Court-ordered assignment
- Verification from social services agency
- SNRHA Appointment and Acceptance Form notarized (showing consent of a parent of the minor to be added to the family) (to be completed annually)
- SNRHA's Guardian – Self Certification of Physical Custody of Minor child/Children form (to be completed annually)

Other family relationships will be verified through birth certificates or other relevant documents.

### ***Verification of Permanent Absence of Family Member***

If an adult member who was formerly a member of the household or was never reported and identified by staff as being a spouse and is reported permanently absent by the family, SNRHA will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one (1) family member against another.
- SNRHA's Certification of Absent Spouse Form.

### ***Verification of Change in Family Composition***

SNRHA may verify changes in family composition (either reported or unreported) through one (1) or more of the following actions: letters, telephone calls, utility records, inspections, landlords, credit data, school, or DMV records, and other sources.

### ***Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510, 5.512, 5.514]***

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants.

Individuals may elect not to contend their status. Eligible immigrants must fall into one (1) of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS.) Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except assistance to applicants may be delayed while SNRHA hearing is pending.



Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury, the Declaration 214 Form, noting they are a citizen or national.

Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status (Declaration 214 Form) and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status (Declaration 214 Form) and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. SNRHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, SNRHA must request within ten (10) calendar days the INS conduct a manual search.

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

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

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

Additionally, SNRHA must terminate assistance for at least 24 months if it determines a family has knowingly permitted an ineligible person to live in the assisted unit without informing SNRHA.

### ***Time of Verification***

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

SNRHA will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one (1) member of the family.

For family members added after other members have been verified, the verification occurs upon approval of additional person by SNRHA.

Once verification has been completed for any covered program, it shall be verified annually unless their eligibility immigration status changes to permanent resident. In the case of port-in families, if the initial PHA does not supply the documents, SNRHA must conduct the determination and/or when SNRHA notes a Resident Alien Card with an expiring date or no date of expiration.

### **Acceptable Documents of Eligible Immigration**

The regulations stipulate only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)



- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents showing individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five (5) years.

#### SNRHA Policy

SNRHA will recertify eligible immigration status one (1) year prior to expiration date of the following documents:

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)

#### ***Medical Need for Larger Unit***

##### SNRHA Policy

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional as a reasonable accommodation for a disabled family member. At each annual Housing Quality Inspection, staff will verify the additional room is still being used for medical equipment. When this is not the case, the voucher will be decreased in compliance with HUD guidance at the next Annual Re-examination.

#### ***VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410-5.430]***

SNRHA must verify any preferences claimed by an applicant.

##### SNRHA Policy

#### ***Terminated for Insufficient Program Funding***

SNRHA will verify this preference using SNRHA's termination records.

#### ***Residency Preference:***

For families who live, work or have been hired to work in the jurisdiction of SNRHA. Families must provide proof of residency to qualify for this preference such a Nevada Issued driver's license or lease for a unit within Clark County.

The signature on the application will serve as self-certification for the residency preference. In cases where there are questions regarding eligibility to go portable, SNRHA may request



additional verification such as a Nevada Driver License or Identification card issued on or prior to the date of application, employment records, school records, social security award letters or welfare eligibility letter addressed to the applicant's Las Vegas address at or before the time of application.

***Veterans' preference:***

This preference is available to current members of the U.S. Military Armed Forces, veterans, or surviving spouses of veterans.

SNRHA will require U.S. government documents which indicate the applicant qualifies under the above definition.

***Working preference:***

Families with at least one (1) adult who is employed at least 20 hours per week: Employment will be verified.

Families with active participants in accredited educational and training programs designed to prepare the individual for the job market: SNRHA will require a statement from the agency or institution providing the education or training.

Elderly families: head or spouse 62 years of age or older

Families whose head is receiving income based on their inability to work: An Award letter or other proof of eligibility for Social Security Disability or Supplemental Security Income will be acceptable for the receipt of income based on their inability to work.

Families whose head, spouse, or sole member is a person with disability and who is certified to be unable to work whether or not they receive income on this basis, if both the head of household or spouse is either elderly or disabled.

**When Third-Party Verification is Not Required**

***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.

***Certain Assets and Expenses***

SNRHA Policy

SNRHA will accept a self-certification from a family as verification of assets disposed for less than fair market value [HCV GB, p. 5-28].

SNRHA will determine third-party verification is not available if the asset or expense involves an insignificant amount, making it not cost-effective or reasonable to obtain third-party verification [VG, p. 15.]



### SNRHA Policy

SNRHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$5,000 annually. The continued occupancy form certification shall be considered as the family's certification. For families whose assets do not exceed \$5,000 in net value, the PHA will accept family self-certification of asset value and anticipated income.

SNRHA may require additional verification if necessary to document assets do not exceed \$5,000 in net value.

### ***Certain Income, Asset and Expense Sources***

SNRHA will determine third-party verification is not available when it is known that an income source does not have the ability to provide written or oral third-party verification [VG, p. 15.] For example, SNRHA will rely upon review of documents when SNRHA determines a third party's privacy rules prohibit the source from disclosing information.

### SNRHA Policy

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

SNRHA will document in the family file the reason the third-party verification was not available and will place a photocopy of the original document(s) in the family file. [VG, p. 15.]

If the family cannot provide original documents, SNRHA 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 [VG, p. 18.]

## **6-I.E. REVIEW OF DOCUMENTS**

### **Using Review of Documents as Verification**

#### SNRHA Policy

If SNRHA has determined third-party verification is not available or not required, SNRHA will use documents provided by the family as verification.

SNRHA may also review documents when necessary to help clarify information provided by third parties. In such cases SNRHA will document in the file how SNRHA arrived at a final conclusion about the income or expense to include in its calculations.



### **6-I.F. SELF-CERTIFICATION**

When HUD requires third-party verification, self-certification or “participant declaration,” is used as a last resort when the PHA is unable to obtain third-party verification.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$5,000 or less and the PHA has adopted a policy to accept self-certification at annual recertification, when applicable
- The PHA has adopted a policy to implement streamlined annual recertifications for fixed sources of income (See Chapter 11)

When the PHA was required to obtain third-party verification but instead relies on a participant declaration for verification of income, assets, or expenses, the family’s file must be documented to explain why third-party verification was not available.

#### SNRHA 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 SNRHA.

The PHA 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 the PHA 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 PHA representative or PHA notary public.

### **6-I.G. ASSETS (24 CFR 5.609 (b)(3) AND 24 CFR 5.603 (b))**

There is no asset limitation for participation in the HCV program. However, HUD requires the PHA include in annual income the anticipated “interest, dividends, and other net income of any kind from real or personal property (24 CFR 5.609 (b) (3).”

Notice PIH 2012-29 requires PHAs to establish an imputed asset passbook savings rate based on the national average rate. The rate previously established by HUD field offices. The imputed asset income calculation is only performed if the net value of the family’s asset exceeds \$5,000.00.

SNRHA shall establish a rate of 0.75 percent (three quarters of one percent) of the national rate. This is a “safe harbor.” SNRHA will be in compliance with the safe harbor guidance when the national rate is anywhere from zero percent to 1.5 percent.



**PART II: VERIFYING FAMILY INFORMATION**

**6-II.A. VERIFICATION OF LEGAL IDENTITY**

SNRHA Policy

SNRHA will require families to furnish verification of legal identity for each household member.

<b>Verification of Legal Identity for Adults</b>	<b>Verification of Legal Identity for Children</b>
Driver's license U.S. passport Department of Motor Vehicles Identification Card Validated Sheriff Card Military Identification DMV Instructional ID Clark County Heath Card with valid photo ID Veteran's ID with photo	Certificate of birth Adoption papers Custody agreement School records Hospital Birth Certifications Passport Health and Human Services ID (foster children; adopted children) I-94

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required. For all members of the household the first and last name on the Legal documents provided must match the social security record.

**6-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and PIH Notice 2018-24]**

Every family member must provide documentation of a valid social security number (SSN) unless they are a non-citizen or non-eligible immigrant.

SNRHA Policy

SNRHA will request to copy the family member's social security card.

If the social security card is not available, SNRHA will accept the following documents as evidence if the SSN is provided on the document:

Other identification cards issued by a federal, state or local agency, a medical insurance company or provider, or employer or trade union.

Benefit award letters from a government agency; retirement benefit letters; life insurance policies.

Any document issued by the Social Security Administration clearly listing the family member's social security number (SSN) and name.





SNRHA will instruct the family to obtain a duplicate card from the local Social Security Administration (SSA) office.

For individuals who are at least 62 years of age and/or disabled and are unable to submit the required documentation of their SSN within the initial 90 calendar day period, SNRHA will grant an additional 30 calendar days to provide documentation as a reasonable accommodation.

Social security numbers must be verified only once during continuously-assisted occupancy. For all members of the household the first and last name on the legal documents provided must match the social security record.

If any adult family member obtains a SSN after admission to the program, the new SSN must be disclosed within 90 calendar days.

The SSN of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks.

## **6-II.C. FAMILY RELATIONSHIPS**

Applicants and program participants are required to identify the relationship of each household member to the head of household. If an applicant lists themselves as married and does not list a spouse, they will still be required to submit a separation, divorce decree, or SNRHA's Certification of Absent Spouse form. Definitions of the primary household relationships are provided in the Eligibility chapter.

### SNRHA Policy

Other family relationships will be verified through birth certificates or other relevant documents.

### **Marriage**

#### SNRHA Policy

A marriage certificate generally is required to verify a couple is married.

In the case of a common law marriage, the couple must demonstrate 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**

#### SNRHA Policy

SNRHA will require the participant (head of household) to sign a Certification of Absent Spouse form to document the divorce, or separation. The family may submit a certified copy of a divorce decree, signed by a court officer, or a copy of a court-ordered maintenance or other court record to document a separation.



## **Absence of Adult Member**

### SNRHA Policy

SNRHA will consider any of the following as verification:

Husband or wife institutes divorce action

Husband or wife institutes legal separation.

Order of protection/restraining order obtained by one (1) family member against another.

Certification of the spouse no longer living in the unit or contributing to the family.

## **Foster Children and Foster Adults**

### SNRHA Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

## **6-II.D. 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 providing evidence of the receipt of social security retirement benefits is acceptable.

### SNRHA Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, SNRHA will require the family to submit other documents supporting 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.

## **6-II.E. VERIFICATION OF STUDENT STATUS**

### **General Requirements**

#### SNRHA Policy

SNRHA 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 reports full-time student status for an adult other than the head, spouse, or co-head.
- The family reports child care expenses to enable a family member to further his or her education.
- The family includes a student enrolled in an *institution of higher education*.



- The family claims an income exclusion because the student is receiving earned income and only the first \$480 is included as income.

### **Restrictions on Assistance to Students Enrolled in Institutions of Higher Education**

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving HCV assistance.

#### SNRHA Policy

In accordance with the verification hierarchy described in Section 6-1.B, SNRHA will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:

- The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965 (see Section Exhibit 3-2.)
- The student is at least 24 years old.
- The student is a veteran, as defined in Section 3-II.E.
- The student is married.
- The student has at least one dependent child, as defined in Section 3-II.E.

If SNRHA cannot verify at least one (1) of these exemption criteria, SNRHA will conclude the student is subject to the restrictions on assistance at 24 CFR 5.612. In addition to verifying the student's income eligibility, SNRHA will then proceed to verify either the student's parents' income eligibility or the student's independence from his/her parents (see below.)

#### ***Independent Student***

##### SNRHA Policy

SNRHA will verify a student's independence from his/her parents to conclude the student's parents' income is not relevant when deciding the student's eligibility by doing all of the following:

Either reviewing or verifying previous address information to determine whether the student has established a household separate from his/her parents for at least one (1) year or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of *independent student* (see Section 3-II.E.)

Reviewing prior year income tax returns to verify whether a parent has claimed the student as a dependent.

Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is \$0.



## **6-II.F. DOCUMENTATION OF DISABILITY**

SNRHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. SNRHA is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c).] SNRHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If SNRHA receives a verification document that provides such information, SNRHA will not place this information in the participant file. Under no circumstances will SNRHA request a participant's medical record(s.) For more information on health care privacy laws, see the Department of Health and Human Services' website at [www.os.dhhs.gov](http://www.os.dhhs.gov).

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- 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
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

### **Family Members Receiving SSA Disability Benefits**

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [VG, p. 23.]

#### SNRHA Policy

For family members claiming disability who receive disability benefits from the SSA, SNRHA will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system when it is available. If documentation from HUD's EIV System is not available, SNRHA will request a current (dated within the last 60 calendar days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), SNRHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov). Once the applicant or participant receives the benefit verification letter they will be required to provide it to SNRHA.



## **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.

### SNRHA Policy

For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third-party verification 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.

## **PART III: VERIFYING INCOME AND ASSETS**

Chapter 5, Part I of this plan describes in detail the types of income 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 SNRHA policies that supplement the general verification procedures specified in Part I of this chapter.

### **6-III.A. EARNED INCOME**

#### **Wages**

### SNRHA Policy

*Acceptable methods of verification include, in this order:*

1. EIV with a minimum of four (4) consecutive current paystubs or two (2) consecutive paystubs for new employment or a decrease in wages.
2. Acceptable Third Party written verification provided by the participant/applicant.
3. Third party written verification.
4. (Employment verification form completed by the employer)
5. Oral third party – Staff must document the file narrative to outline why other steps above were not available.
6. W-2 forms and IRS Form 4506-T release.
7. Self-certifications may be used for verifying self-employment income, or income from tips and other gratuities.

In cases where there are questions about the validity of information provided by the family, SNRHA will require the most recent federal income tax statements to be obtained via use of IRS Form 4506-T.



## Tips

### SNRHA 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. Interruption of employment due to temporary leave of absence (i.e. maternity leave, short-term disability): upon verification earnings have stopped, an interim will be conducted to remove the income. The family may be required to complete a Zero Income Questionnaire/Certification. The family is required to report any other income received in lieu of earnings. The family will be required to report when the income starts again. At that time, an interim will be conducted to add the income back into the family budget.

## **6-III.B. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS**

### **Social Security/SSI Benefits**

#### SNRHA Policy

To verify the SS/SSI benefits of applicants, SNRHA will request a current (dated within the last 60 calendar days) SSA benefit verification letter from each family member receiving social security benefits. If the family is unable to provide the document(s), SNRHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov). Once the applicant has received the benefit verification letter they will be required to provide it to SNRHA.

To verify the SS/SSI benefits of participants, SNRHA will obtain information about social security/SSI benefits through the HUD EIV System and any post increases. If benefit information is not available in HUD systems, SNRHA will request a current SSA benefit verification letter from each family member receiving social security benefits. If the family is unable to provide the document(s), SNRHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov). Once the participant has received the benefit verification letter they will be required to provide it to SNRHA.

## **6-III. C. ASSETS AND INCOME FROM ASSETS**

### **Assets Disposed of for Less than Fair Market Value**

The family must certify whether any assets have been disposed for less than fair market value in the preceding two (2) years. SNRHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

#### SNRHA Policy

SNRHA will verify the value of assets disposed of only if:

- SNRHA 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 participant reported a \$10,000 certificate of deposit at the last annual reexamination and SNRHA verified this amount. Now the person reports he/she has given this \$10,000 to his/her son. SNRHA 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, SNRHA will verify the value of this asset.

### **6-III.D. NET INCOME FROM RENTAL PROPERTY**

#### SNRHA Policy

The family must provide:

A current executed lease for the property showing the rental amount or certification from the current participant.

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, SNRHA will require the family members involved in the rental of property 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.

### **6-III.E. RETIREMENT ACCOUNTS**

#### SNRHA Policy

SNRHA shall use the streamlined procedure in compliance with PIH Notice 2013-3 which allows the use of previously published cost of living adjustments to verify income amounts if this income is from annuities, insurance policies, retirement funds, or other retirement or non-wage income. When third-party verification is not available the type of original document that will be accepted depends upon the family member's retirement status.

*Before* retirement, SNRHA will accept an original document from the entity holding the account with a date showing it is the most recent scheduled statement for the account but in no case earlier than six (6) months from the effective date of the examination.

*Upon* retirement, SNRHA will accept an original document from the entity holding the account reflecting any distributions of the account balance, any lump sums taken and any regular payments.



*After* retirement, SNRHA will accept an original document from the entity holding the account dated no earlier than 12 months prior reflecting any distributions of the account balance, any lump sums taken and any regular payments.

### **6-III.F. INCOME FROM EXCLUDED SOURCES**

SNRHA must obtain verification for income exclusions only if, without verification, SNRHA would not be able to determine whether the income is to be excluded.

## **PART IV: VERIFYING MANDATORY DEDUCTIONS**

### **6-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS**

The dependent and elderly/disabled family deductions only require SNRHA verify the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

#### **Dependent Deduction**

See Chapter 5 for a full discussion of this deduction. SNRHA must verify:

- 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 Eligibility chapter for a definition of elderly and disabled families and Chapter 5 for a discussion of the deduction. SNRHA must verify the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

### **6-IV.B. MEDICAL EXPENSE DEDUCTION**

Policies related to medical expenses are found in Chapter 5.

#### **Amount of Expense**

##### SNRHA Policy

SNRHA will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

Third-party verification form signed by the provider, when possible.

If third-party is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source will be used. In this case SNRHA will make a best effort to determine what expenses from the past are likely to continue





to occur in the future. SNRHA will also accept evidence of monthly payments or total payments due for medical expenses during the upcoming 12 months.

In addition, SNRHA must verify:

- 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. SNRHA must verify the family meets the definition of an elderly or disabled family provided in the Eligibility chapter of this plan.

### **Qualified Expenses**

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 5 for SNRHA 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.

#### SNRHA Policy

The family will be required to certify the medical expenses are not paid or reimbursed to the family from any source.

### **Expenses Incurred in Past Years**

#### SNRHA Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, SNRHA 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

## **6-IV.C. DISABILITY ASSISTANCE EXPENSES**

Policies related to disability assistance expenses are found in Chapter 5.



## **Amount of Expense**

### ***Attendant Care***

#### SNRHA Policy

SNRHA will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

- Third-party verification form signed by the provider, when possible.
- If third-party is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from care source.
- If third-party or document review is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

### ***Auxiliary Apparatus***

#### SNRHA Policy

Expenses for auxiliary apparatus will be verified through:

Third-party verification of anticipated purchase costs of auxiliary apparatus. If third-party is not possible, billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments due for the apparatus during the upcoming 12 months.

If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, SNRHA must verify:

The family member for whom the expense is incurred is a person with disabilities.

The expense permits a family member, or members, to work (see Chapter 5).

The expense is not reimbursed from another source (see Chapter 5).

The expense does not exceed the amount of the earned income of the individual freed for work.

### **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. SNRHA will verify the expense is incurred for a person with disabilities.

### **Family Member(s) Permitted to Work**

SNRHA must verify the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

#### SNRHA Policy



SNRHA will seek third-party verification from a Rehabilitation Agency or knowledgeable medical professional indicating the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or the attendant care or auxiliary apparatus enables another family member, or members, to work.

If third-party and document review verification has been attempted and is either unavailable or proves unsuccessful, the family must certify 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.

#### SNRHA Policy

An attendant care provider will be asked to certify, to the best of the provider's knowledge, the expenses are not paid by or reimbursed to the family from any source. The family will be required to certify attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

### **6-IV.D. CHILD CARE EXPENSES**

SNRHA must verify:

- 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 childcare.
- The costs are reasonable if seeking employment or furthering education.

#### **Eligible Child**

To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. SNRHA will verify the child being cared for (including foster children) is under the age of 13.

#### **Unreimbursed Expense**

To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

#### SNRHA Policy

The childcare provider will be asked to certify, to the best of the provider's knowledge, the childcare expenses are not paid by or reimbursed to the family from any source. The family will



be required to certify the childcare expenses are not paid by or reimbursed to the family from any source.

SNRHA must verify the family member(s) identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

### ***Information to be Gathered***

SNRHA 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, SNRHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment.) In such cases, SNRHA will request verification from the agency of the member's job seeking efforts to date and require the family to submit to SNRHA any reports provided to the other agency.

In the event third-party verification is not available, SNRHA will provide the family with a form on which the family member must record job search efforts. SNRHA will review this information at each subsequent reexamination for which this deduction is claimed.

### ***Furthering Education***

SNRHA will ask the academic or vocational educational institution verify the person permitted to further his or her education by the childcare is enrolled and provide information about the timing of classes for which the person is registered

### ***Gainful Employment***

SNRHA will seek verification from the employer of the work schedule of the person who is permitted to work by the childcare. In cases in which two (2) or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

## **Allowable Type of Child Care**

The type of care to be provided is determined by the family.

### **SNRHA Policy**

SNRHA will verify the type of childcare selected by the family is allowable, as described in Chapter 5.

SNRHA will verify the fees paid to the childcare provider cover only childcare 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.)



SNRHA will verify the childcare provider is not a family member residing in the household. 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 childcare costs can be deducted for seeking employment or furthering education.

#### SNRHA Policy

To verify the childcare costs are reasonable, the actual costs incurred by the family will be compared with SNRHA's established standards of reasonableness for the type of care in the locality to ensure the costs are reasonable.

If the family presents a justification for costs exceeding typical costs in the area, SNRHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

SNRHA will send out our childcare verification form when child care expenses are being verified. This form must be completed with all questions answered and returned by mail, email, or fax. This form will be the only verification childcare form acceptable by our agency. Private childcare providers that do not have tax identification numbers must complete the section requesting their social security numbers or their INS number.

Written verification from the person who receives the payments is required. If the child care provider is licensed, the provider is required to provide their Employment Identification Number.

Verifications must specify the child care provider's business or individual name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Families must certify as to whether any of those payments have been or will be paid or reimbursed by outside sources.

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

**The New HUD Regulation: 24 CFR 5.233.** Effective January 31, 2010, all PHAs are required to use the EIV system in its entirety. This means SNRHA must use all features of the EIV system to:

- a. Verify participant employment and income information during mandatory reexaminations of family composition and income in accordance with 24 CFR §5.236, and HUD administrative guidance; and
- b. Reduce administrative and subsidy payment errors in accordance with HUD administrative guidance.



All PHAs are required to review the EIV Income and IVT Report of each family before or during mandatory annual and interim reexaminations of family income and/or composition to reduce participant under reporting of income and improper subsidy payments. EIV is classified as an UIV technique (or automated written third party verification), which helps to identify income sources and/or amounts the participant may not have disclosed. This UIV technique in many instances will reduce the need to mail, email, or fax third party verification request forms to an income source. EIV also provides various reports to assist PHAs with the following:

- a. Identifying participants whose reported personal identifiers do not match the SSA database;
- b. Identifying participants who need to disclose a SSN;
- c. Identifying participants whose alternate identification number (Alt ID) needs to be replaced with a SSN;
- d. Identifying participants who may not have reported complete and accurate income information;
- e. Identifying participants who have started a new job;
- f. Identifying participants who may be receiving duplicate rental assistance;
- g. Identifying participants who are deceased and possibly continuing to receive rental assistance;
- h. Identifying former participants of PIH rental assistance programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a PHA or Section 8 landlord.

### **Verification Hierarchy:**

PHAs are required to access the EIV system and obtain an Income Report for each household. The PHA is required to maintain the Income Report in the participant file along with the form HUD-50058 and other supporting documentation to support income and rent determinations for all mandatory annual reexaminations of family income and composition. If the Income Report does not contain any employment and income information for the family, the PHA should attempt the next lower level verification technique, as noted in the below chart.

### **Level Verification Technique Ranking:**

- 6 Upfront Income Verification (UIV)** using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants) **Highest** (Mandatory)
- 5 Upfront 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)  
Must document file narrative when this verification system is used.

**1 Participant Declaration Low** (Use as a last resort when unable to obtain any type of third party verification)

**Note:** This verification hierarchy applies to income determinations for applicants and participants. However, EIV is not available for verifying income of applicants.

**Verification Technique Definitions 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. It should be noted the EIV system is available to all PHAs as a UIV technique. PHAs are encouraged to continue using other non-HUD UIV tools, such as The Work Number (an automated verification system) and state government databases, to validate participant-reported income.

**Written Third Party Verification (Level 4):** An original or authentic document generated by a third-party source dated either within the 60-calendar day period preceding the reexamination or PHA 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 Department's position that such participant-provided documents are written third party verification since these documents originated from a third party source. The PHA 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, 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 must be used for income and rent determinations.

The PHA is required to obtain at a minimum, four (4) current and consecutive pay stubs for determining annual income from wages. For new income sources or when two (2) pay stubs are not available, the PHA should 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 PHA interview/determination or request date) is acceptable for confirming effective dates of income.

**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. The form is completed by the third party by hand (in writing or typeset.) PHAs send the form directly to the third-party source by mail, fax, or email.

It is the Department's position that the administrative burden and risk associated with use of the traditional third-party verification form may be reduced by PHAs relying on acceptable documents generated by a third party, but in the possession of and provided by the participant (or applicant). Many documents in the possession of the participant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

The Department 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.

The Department requires PHAs rely on documents originated 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.

**Oral Third Party Verification (Level 2):** Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. PHA staff should document in the participant file, the date and time of the telephone call (or visit to the third party), the name of the person contacted and telephone number, along with the confirmed information. This verification method is commonly used in the event the independent source does not respond to the PHA's faxed, mailed, or e- mailed request for information in a reasonable time frame, i.e., ten (10) business days.

**Non-Third Party Verification Technique Participant Declaration (Level 1):** The participant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other verification techniques. When the PHA relies on participant declaration, the PHA must document in the participant file why third party verification was not available.





### **Exceptions to Third Party Verification Requirements**

HUD is aware 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.**”

**Third party verification requirements.** In accordance with 24 CFR §960.259(c) (1) and 24 CFR §982.516(a) (2) for the Public Housing and the HCV programs, respectively, the PHA must obtain and document in the participant file third party verification of the following factors, or must document in the participant file why third party verification was not available: (i) reported family annual income; (ii) the value of assets; (iii) expenses related to deductions from annual income; and (iv) other factors that affect the determination of adjusted income.

**How to comply with and reduce administrative burden of third party verification requirements of family annual income.** PHAs can comply with and reduce administrative burden of third party verification requirements for employment, wage, unemployment compensation and social security benefits, and any other information that is verifiable using EIV by:

- a. Reviewing the EIV Income and IVT Report to confirm/validate participant-reported income; and;
- b. Printing and maintaining an EIV Income Report (or an EIV Individual Control Number (ICN) page for interim reexaminations as prescribed in Section 12 of this Notice) in the participant file; and
- c. Obtaining current acceptable participant-provided documentation to supplement EIV information; and
- d. Using current participant-provided documentation and/or third party verification to calculate annual income.

**Note:** Social Security benefit information in EIV is updated every three (3) months. If the participant agrees with the EIV-reported benefit information, PHAs do not need to obtain or request a benefit verification letter from the participant. See PIH Notice 2010-03 for guidance on verifying Social Security benefit income through the EIV system.

The PHA may also reduce the administrative burden of obtaining third party verification by relying on acceptable documents generated by a third party, but provided by the participant. Many documents in the possession of the participant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).



**When the PHA is required to request written third-party verification.** The PHA must request written third party verification under the following circumstances:

- a. When the participant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute (24 CFR §5.236(b));
- b. When the PHA requires additional information not available in EIV and /or the participant is unable to provide the PHA with current acceptable participant-provided documentation.

Examples of additional information, includes but is not limited to:

- i. Effective dates of income (i.e. employment, unemployment compensation, or social security benefits)
- ii. For new employment: pay rate, number of hours worked per week, pay frequency, etc.
- iii. Confirmation of change in circumstances (i.e. reduced hours, reduced rate of pay, temporary leave of absence, etc.)

**Note:** 24 CFR §5.236(a), prohibits PHAs from taking adverse action based solely on EIV information.

**Type of file documentation required to demonstrate PHA compliance with mandated use of EIV as a third-party source to verify participant employment and income information (24 CFR §5.233(a)(2)(i)).**

- A. For each new admission (form HUD-50058 action type 1), the PHA is required to do the following:
  - i. Review the EIV Income and IVT Report to confirm/validate family-reported income within 120 calendar days of the PIC submission date; and
  - ii. Print and maintain a copy of the EIV Income Report in the participant file; and
  - iii. Resolve any income discrepancy with the family within 60 calendar days of the EIV Income and IVT Report date.
  
- B. For each historical adjustment (form HUD-50058 action type 14), the PHA is required to do the following:
  - i. Review the EIV Income and IVT Report to confirm/validate family-reported income within 120 calendar days of the PIC submission date; and
  - ii. Print and maintain a copy of the EIV Income Report in the participant file; and
  - iii. Resolve any income discrepancy with the family within 60 calendar days of the EIV Income and IVT Report date.
  
- C. For each interim reexamination (form HUD-50058 action type 3) of family income and composition, the PHA is required to have the following documentation in the participant file:



**i. 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.) See sample screen shot below.

**Note:** The ICN Page is available from the Summary Report tab. See sample screen shot below:

**ii. EIV Income and IVT Report** when there **is** an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report. See sample screen shot below.

**D.** For each annual reexamination of family income and composition, the PHA is required to have the following documentation in the participant file:

**i. No Dispute of EIV Information:** EIV Income Report, current acceptable participant-provided documentation, and *if necessary* (as determined by the PHA), traditional third party verification form(s). See examples 1 and 3 below.

**ii. Disputed EIV Information:** EIV Income report, current acceptable participant provided documentation, and/or traditional third party verification form(s) for disputed information. See example 2 below.

**iii. Participant-reported income not verifiable through EIV system:** Current participant-provided documents, and *if necessary* (as determined by the PHA), traditional third party verification form(s). See example 3 below.

### **Example 1: No Disputed EIV Information & Participant Provided Documents**

You are conducting an annual re-exam with participant, Mary Jones. Ms. Jones reports she is employed at the ABC Box Company. You pull-up the EIV income and IVT report for the Jones family, which shows quarterly wages from the ABC Box Company for the full year of 2008, and the first two (2) quarters of 2009. Last year's (2009) annual re-exam reflects wages from the same employer. There is no other income information on the report. The PHA may streamline the income verification process by requesting Ms. Jones provide current pay stubs dated within the last 60 calendar days of the interview or PHA request date. The PHA must obtain a minimum of two (2) current and consecutive pay stubs from Ms. Jones. Since there is no disparity between participant-reported and EIV-reported income, the PHA may obtain original and current participant-provided pay stubs to calculate annual income.

The PHA may **not** use quarterly EIV wage (or unemployment benefit) information to calculate annual income since this information is at least six (6) months old and more current income information (from pay stubs) is available.



## **Example 2: Disputed EIV Information & No Participant-Provided Documents**

You are conducting an annual re-exam with participant, Bob Miller. Mr. Miller reports his only source of income is monetary support from his sister, Betty Miller. You pull-up the EIV income and IVT report for the Miller family, which shows quarterly wages from Home Depot for the full year of 2008, and the first two (2) quarters of 2009. There is no other income information on the EIV report. Last year's (2009) annual re-exam reflects no wage information and only source of income is other non-wage income (monetary support from family member.)

You inform Mr. Miller the EIV system shows wages from Home Depot and ask him to provide you with current pay stubs. Mr. Miller states he does not work there and has no pay stubs.

Because Mr. Miller disputes the EIV-reported income and is unable to provide documents to support his dispute, the PHA **must** request written third party verification from Home Depot. You mail a third party verification request form to the address listed for Home Depot. A few calendar days later, you receive the third party verification request form back from Home Depot, which indicates Mr. Miller has been employed there since January 5, 2008, and a payroll summary report, showing Mr. Miller's bi-weekly gross and net pay since January 2008. Since the disputed EIV information has been confirmed to be correct by the independent third party source (Home Depot), the PHA will use the income information from the payroll summary report to calculate annual income. The PHA would also calculate the retroactive rent (using the information provided by Home Depot) since Mr. Miller failed to disclose his employment at the 2008 and 2009, annual re-exams.

The PHA would also inform Mr. Miller of this retroactive rent and take action according to PHA-established policies.

## **Example 3: Participant Unreported Income, Income not Verifiable through EIV & Participant-Provided Documents**

You are conducting an annual re-exam with participant, Sharon Duvet. Ms. Duvet reports her only source of income is child support and provides you with four (4) current and consecutive child support pay stubs. You pull-up the EIV Income and IVT Report for the Duvet family, which shows: hire date at the District Police Department effective January 9, 2005; quarterly wages from the District Police Department for the full years of 2005, 2006, 2007, and 2008, and the first two (2) quarters of 2009. There is no other income information on the EIV Income and IVT Report. Last year's (2009) annual re-exam reflects income from only child support. You inform Ms. Duvet the EIV system is showing wages from the District Police Department and ask her to provide you with current pay stubs. Ms. Duvet admits she has been working at the District Police Department and indicates she can provide you with current pay stubs. You inform Ms. Duvet you will also have to calculate her retroactive rent for the previous years in which she did not disclose her employment. You go over the EIV-reported wages with Ms. Duvet and she indicates she does not dispute the information.



Since Ms. Duvet does not dispute the EIV-reported information, the PHA may use the participant provided documents to calculate income and rent for the 2010 annual reexam, and use the EIV-reported earnings for years 2005 through 2008, to calculate the retroactive rent Ms. Duvet will owe. The PHA should require Ms. Duvet provide her last pay stub from 2009, or her 2009 W- 2, to calculate the retroactive rent for 2009. The PHA will use the participant-provided child support pay stubs (child support income is not available in EIV) to calculate annual income from this source.

**What if the participant does *not* provide the PHA with requested information?** If the participant does not provide the requested information, the PHA may mail, email, or fax a third-party verification request form to the third-party source. The PHA is ***required*** to request third party verification when the participant disputes EIV information and the participant is unable to provide acceptable documentation to support disputed information. However, the PHA should ***also*** remind the participant that he/she is required to supply any information requested by the PHA for use in a regularly scheduled annual or interim reexamination of family income and composition.

The PHA may determine the participant is not in compliance with program requirements and terminate tenancy or assistance, or both, if the participant fails to provide the requested information in a timely manner (as prescribed by the PHA.)

**How to use EIV to reduce administrative and subsidy payment errors.** EIV has the ability to identify other potential issues which may impact a family's level of assistance. EIV contains stand-alone reports, which a PHA may generate at any time (i.e. Deceased Participants Report, New Hires Report, Multiple Subsidy Report, Identity Verification Report, Income Discrepancy Report, Debts Owed to PHAs & Termination Report, and Immigration Report.)

However, it should be noted the information from these stand-alone reports are contained in the Income Report for each household. PHAs are required to address any and all potential issues at the time of the annual or interim reexam, as conveyed in the Income Report. PHAs may use the stand-alone reports to monitor staff's progress in reducing the following administrative and subsidy payment errors by using the listed reports:

- a. Incorrect/invalid SSNs/name/date of birth – Identity Verification Report
- b. Follow-up with families who need to disclose a SSN – Immigration Report
- c. Duplicate rental assistance – Multiple Subsidy Report
- d. Unreported increase in income – Income discrepancy Report
- e. Improper payments on behalf of deceased participants – Deceased Participants Report
- f. Unreported new employment (PHAs with interim increase policy) – New Hires Report
- g. Adverse Termination/Outstanding Debt to PHA – Debts Owed to PHAs & Termination Search



In order to ensure PHAs are aware of potential subsidy payment errors, PHAs are **required** to monitor the following EIV reports on a monthly basis:

1. Deceased Participants Report
2. Identity Verification Report
3. Immigration Report

In order to ensure PHAs are aware of potential subsidy payment errors, PHAs are **required** to monitor the following EIV reports on a quarterly basis:

1. Income Discrepancy Report
2. Multiple Subsidy Report (and at Admissions)
3. New Hires Report (if your agency has an interim increase policy)

**How to use the EIV Income Report as a third party source to verify participant employment and income information.** The EIV Income Report provides a variety of information about each household member of the family. The report contains the following information for each household member:

- A. Personal identifiers: name, date of birth, and SSN
- B. Identity verification status (pending, verified, deceased, or failed)
- C. Employment information

1. New Hire Information (W-4)
  - a. Date hired
  - b. Employer name
2. Employer name, address, and employer identification number of current and past employers.
3. Quarterly Earnings
  - a. Quarterly unemployment compensation
  - b. Social Security benefit information
4. Social Security (SS) Benefits
  - a. Payment status code
  - b. Date of current entitlement
  - c. Current net monthly benefit amount (if payable)
  - d. Gross monthly benefit history (last 8 changes in benefit amount)
  - e. Lump sum payment amount and date
  - f. Payee name and address
5. Dual Entitlement (Social Security benefits under another person's SSN)
  - a. Claim Number (the other person's SSN)
  - b. Payment status code
  - c. Date of current entitlement
  - d. Current net monthly benefit amount (if payable)



- e. Gross monthly benefit history (last 8 changes in benefit amount)
- f. Payee name and address

#### 6. Supplemental Security Income (SSI)

- a. Payment status code
- b. Alien indicator
- c. Current net monthly benefit amount
- d. Current monthly state supplement benefit amount (if available)
- e. Gross monthly benefit history (last 8 changes in benefit amount)
- f. Payee name and address

#### 7. Medicare Data

- a. Payee name and address
- b. Monthly hospital insurance premium amount, buy-in status, and buy-in start and end dates
- c. Monthly supplemental medical insurance premium amount, buy-in status, and buy-in start and end dates
- d. Disability status and onset date
- e. Identity verification status
- f. Indicator of possible multiple rental subsidy
- g. Indicator of debt and/or termination information from another PHA (effective September 2010)

All EIV Income Reports contain the date the report was generated and by whom; and the date EIV received each type of information. To minimize participant underreporting of income, PHAs are required to obtain an EIV Income Report for each family any time the PHA conducts an annual or interim reexamination of family income and composition.

In accordance with 24 CFR §5.236(b) (2) (3), PHAs are required to compare the information on the EIV report with the family-reported information. If the EIV report reveals an income source not reported by the participant or a substantial difference in the reported income information, the PHA is required to take the following actions:

1. Discuss the income discrepancy with the participant; and
2. Request the participant to provide any documentation to confirm or dispute the unreported or underreported income and/ or income sources; and
3. In the event the participant is unable to provide acceptable documentation to resolve the income discrepancy, the PHA is required to request from the third-party source, any information necessary to resolve the income discrepancy; and
4. If applicable, determine the participant's underpayment of rent as a result of unreported or underreported income, retroactively\*; and
5. Take any other appropriate action as directed by HUD or the PHA's administrative policies.



\*The PHA is required to 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.

**Note:** A substantial difference is defined as an amount equal to or greater than \$2,400, annually. The participant must be provided an opportunity to contest the PHA's determination of participant rent

underpayment. HUD regulations require PHAs to promptly notify participants 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 the PHA's established grievance procedures, as required by HUD. The PHA may 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 PHA is required to obtain from the participant, any necessary documentation to complete the income determination process. As noted previously, the PHA may reject any participant-provided documentation, if the PHA deems the documentation unacceptable. The PHA may reject documentation provided by the participant for only the following HUD-approved reasons:

1. The document is not an original; or
2. The original document has been altered, mutilated, or is not legible; or
3. The document appears to be a forged document (i.e. does not appear to be authentic).

The PHA should 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 PHA deems necessary to complete the income determination process, the PHA is required to submit a traditional third party verification form to the third party source for completion and submission to the PHA.

If the third party source does not respond to the PHA's request for information, the PHA 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 PHA should then pursue lower level verifications in accordance with the verification hierarchy listed in section 8 of this notice.

**Participant Repayment Agreement.** Participants are required to reimburse the PHA if they were charged less rent than required by HUD's rent formula due to the participant's underreporting or failure to report income. The participant is required to reimburse the PHA for the difference between the participant rent that should have been paid and the participant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the participant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the





PHA **must** terminate the family’s tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

All repayment agreements must be in writing, dated, signed by both the participant and the PHA, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:

- a. Reference to the paragraphs in the Public Housing lease or Section 8 information packet whereby the participant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- b. The monthly retroactive rent repayment amount is in addition to the family’s regular rent contribution and is payable to the PHA.
- c. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance unless balance is paid in full no later than the last day of the month of the default.

PHAs are required to determine retroactive rent amount as far back as the PHA has documentation of family reported income. For example, if the PHA determines that the family has not reported income for a period of five (5) years and only has documentation for the last three (3) years, the PHA is only able to collect for those years.

SNRHA shall offer the opportunity to all household to provide additional contact information on the HUD form 92006 at the time of application. Families are not required to supply the information but SNRHA shall offer the family an opportunity to complete the form.

**EXHIBIT 6-1: SUMMARY OF DOCUMENTATION REQUIREMENTS FOR NONCITIZENS [HCV GB, pp. 5-9 and 5-10]**

- **All** noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA.
- Except for persons 62 or older, all noncitizens must sign a verification consent form
- Additional documents are required based upon the person's status.

**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><b>All other Noncitizens</b></p> <ul style="list-style-type: none"> <li>• Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.</li> </ul>	
<ul style="list-style-type: none"> <li>• Form I-551 Alien Registration Receipt Card (for permanent resident aliens)</li> <li>• Form I-94 Arrival-Departure Record annotated with one of the following: <ul style="list-style-type: none"> <li>• “Admitted as a Refugee Pursuant to Section 207”</li> <li>• “Section 208” or “Asylum”</li> <li>• “Section 243(h)” or “Deportation stayed by Attorney General”</li> <li>• “Paroled Pursuant to Section 221 (d)(5) of the USCIS”</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Form I-94 Arrival-Departure Record with no annotation accompanied by: <ul style="list-style-type: none"> <li>• A final court decision granting asylum (but only if no appeal is taken);</li> <li>• 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);</li> <li>• A court decision granting withholding of deportation; or</li> <li>• A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Form I-688 Temporary Resident Card annotated “Section 245A” or Section 210”.</li> </ul>	<ul style="list-style-type: none"> <li>• Form I-688B Employment Authorization Card annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”.</li> </ul>
<ul style="list-style-type: none"> <li>• 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</li> <li>• 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></li> </ul>	



## Chapter 7

### BRIEFINGS AND VOUCHER ISSUANCE

#### INTRODUCTION

This chapter explains the briefing and voucher issuance process. When a family is determined eligible for the Housing Choice Voucher (HCV) program, SNRHA must ensure the family fully understands the way the program operates and the family's obligations under the program. This is accomplished through both an oral briefing and provision of a briefing packet containing written documentation of information the family needs to know. Once the family is briefed on the program's requirements, SNRHA issues the family a voucher. The voucher includes the unit size the family qualifies for based on SNRHA's subsidy standards, as well as the dates of issuance and expiration of the voucher. The voucher is the document permitting the family to begin its search for a unit, and limits the amount of time the family has to successfully locate an acceptable unit.

This chapter describes HUD regulations and SNRHA policies related to these topics in two (2) parts:

Part I: Briefings and Family Obligations. This part details the program's requirements for conducting oral briefings for families, and for providing written materials describing the program and its requirements. It includes a particular focus on the family's obligations under the program.

Part II: Subsidy Standards and Voucher Issuance. This part discusses SNRHA's standards for determining how many bedrooms a family (of a given composition) qualifies for, which in turn affects the amount of subsidy the family can receive. It also discusses the policies dictating how vouchers are issued and how long families have to locate a unit.

#### PART I: BRIEFINGS AND FAMILY OBLIGATIONS

##### 7-I.A. OVERVIEW

SNRHA's goals and objectives are designed to assure families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, SNRHA will conduct a mandatory briefing to ensure families know how the program works. The briefing will provide a broad description of owner and family responsibilities, SNRHA procedures, and how to lease a unit. The family will also receive a briefing packet that provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information provided to families, and the policies for how changes in the family composition will be handled.



HUD regulations require SNRHA conduct mandatory briefings for applicant families. The briefing provides a broad description of owner and family responsibilities, explains SNRHA's procedures, and includes instructions on how to lease a unit. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

### **ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d) (2)]**

When funding is available, SNRHA will issue Vouchers to applicants whose eligibility has been determined. The number of Vouchers issued will be designed to ensure SNRHA stays as close as possible to 100 percent lease-up and maximizes SNRHA annual budget authority. SNRHA performs a monthly calculation manually to determine whether applications can be processed, the number of Vouchers that can be issued, and to what extent SNRHA can over-issue (issue more Vouchers than the budget allows to achieve lease-up because some families will not lease.)

SNRHA may over-issue Vouchers only to the extent necessary to meet leasing goals. If SNRHA finds it is over-leased, it must adjust future issuance of Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

### **7-I.B. BRIEFING [24 CFR 982.301]**

SNRHA must provide the family an oral briefing and provide a briefing packet containing written information about the program. Families may be briefed individually or in groups. At the briefing, SNRHA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973), and ensure the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

#### SNRHA Policy

Briefings will be conducted in group or individual meetings. Families who attend group briefings and still have the need for individual assistance will be referred to their assigned Occupancy Specialist.

Briefings will be conducted in English. Briefings will also be conducted in Spanish, as requested prior to the briefing date and time and may be one-on-one. As noted in the policy on individuals who are Limited English Proficient, if any eligible population group grows enough, briefings will be conducted (and material provided) in those other languages. See LEP policy in Chapter 2 and Addendum B.

The purpose of the briefing is to explain how the program works and the documents in the Voucher holder's packet to families so they are fully informed about the program. This will not only provide knowledge of the program but also enable participants to utilize the program to their full advantage. It will also prepare applicants to discuss leasing options with potential owners and property managers.



SNRHA will not issue a Voucher to a family unless the household representative attends a briefing and signs the Voucher. The voucher will only be signed by the head-of-household (HoH) or spouse (SNRHA must have a copy of the marriage certificate on file in order for the spouse to sign) or person with power of attorney for the HoH (SNRHA must have a copy of the power of attorney on file.) Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. SNRHA will conduct additional or individual briefings for families with verified disabilities at their home, upon request by the family, if required as a reasonable accommodation.

## **Notification and Attendance**

### SNRHA Policy

Families will be notified of their eligibility for assistance at the time they are invited to attend a briefing. The notice will identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

All returned mail will be checked against the full application to verify if a secondary address is listed, and if so the letter will be sent to that address. If the notice is returned by the post office and there is no second address, the applicant will be withdrawn and their name will not be placed back on the waiting list.

Applicants who fail to attend a scheduled briefing will automatically be scheduled for a final briefing. SNRHA will notify the family of the date and time of the final scheduled briefing. Applicants who fail to attend two (2) scheduled briefings, without SNRHA approval, will be denied assistance.

### **Oral Briefing [24 CFR 982.301(a)]**

Each briefing must provide information on the following subjects:

- How the Housing Choice Voucher program works
- Family and owner responsibilities
- Where the family can lease a unit, including renting a unit inside or outside SNRHA's jurisdiction
- For families eligible under portability, an explanation of portability. SNRHA cannot discourage eligible families from moving under portability. All families attending the briefing receive portability information and requirements.
- For families living in high-poverty census tracts, an explanation of the advantages of moving to areas outside of high-poverty concentrations. All families attending the briefing will receive an explanation of the advantages of moving to areas outside of high-poverty concentrations.
- For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

### SNRHA Policy

When SNRHA-owned units are available for lease, SNRHA will inform the family during the oral briefing that the family has the right to select any eligible unit available for lease, and is not obligated to choose a SNRHA-owned unit.



## **Briefing Packet [24 CFR 982.301(b)]**

If the family includes a person with disabilities, SNRHA will ensure compliance with CFR 8.6 to ensure effective communication. Additionally, persons who qualify for Mainstream Voucher and said vouchers are available, shall be issued that voucher type.

Documents and information provided in the briefing packet must include the following:

- The term of the voucher and SNRHA’s policies on any extensions or suspensions of the term (Tolling.) If SNRHA allows extensions, the packet must explain how the family can request an extension and provide the form.
- A description of the method used to calculate the housing assistance payment for a family, including how SNRHA determines the payment standard for a family, how SNRHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how SNRHA determines the maximum allowable rent for an assisted unit.
- Where the family may lease a unit. For a family that qualifies to lease a unit outside SNRHA jurisdiction under portability procedures, the information must include an explanation of how portability works and a list of contacts.
- The HUD-required tenancy addendum and lease requirements.
- The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy and submitting the completed packet for lease-up.
- A statement of SNRHA policy on providing information about families to prospective owners.
- SNRHA occupancy standards including when and how exceptions are made.
- The HUD brochure on how to select a unit and/or the HUD brochure “A Good Place to Live” on how to select a unit that complies with HQS.
- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form. SNRHA will also include the pamphlet “Fair Housing: It’s Your Right.”
- A list of landlords or other parties willing to lease to assisted families or help families find units, especially outside areas of poverty or minority concentration. This list identifies units that have been stated as being accessible by the owners.
- Helpful Hints Brochure –How to Keep Your Section 8 Assistance.
- The family obligations under the program.
- The grounds on which SNRHA may terminate assistance for a participant family because of family action or failure to act.
- SNRHA informal hearing procedures including when SNRHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.



- Informational packet including an explanation of how portability works, including a list of neighboring housing agencies with the names, address and telephone number of a portability contact person at each for use by families who move under portability.
- Expanding Housing Opportunities [24 CFR 985.3(g).]
- A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families.
- Information regarding SNRHA's outreach program which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentration locations.
- Procedures for notifying SNRHA and/or HUD of program abuses such as side payments, extra charges, violation of tenant rights, and owner's failure to repair.
- Resource Guide –which include contacts to assist disabled persons with accessible unit modifications and deposits as well as service providers for all low-income families within our community.
- Side-payments are prohibited
- Terminations as a result of evictions for cause.
- Requirements for reporting income and family composition changes between the annual recertifications
- Information on security deposits and legal referral services.
- Exercising choice in residency.
- Choosing a unit carefully and only after due consideration –must live in the unit for one (1) year.
- The Family Self-Sufficiency Program and Interest Form.
- LEP Pamphlet.
- Reasonable Accommodation Notice.
- Ground for Termination of Assistance.
- Occupancy Specialist Contact Information.
- Notice of Occupancy Rights.

If the PHA is located in a metropolitan FMR area, the following additional information must be included in the briefing packet in order to receive full points under SEMAP Indicator 7, Expanding Housing Opportunities [24 CFR 985.3(g).]

- Information about the characteristics of these areas including job opportunities, schools, transportation and other services.



## **Additional Items to be Included in the Briefing Packet**

In addition to items required by the regulations, SNRHA may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7 **Notice PIH 2018-18**.]

### SNRHA Policy

SNRHA will provide the following additional materials in the briefing packet:

- The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*.
- When SNRHA-owned units are available for lease, a written statement that the family has the right to select any eligible unit available for lease, and is not obligated to choose a SNRHA-owned unit.
- Information on how to fill out and file a housing discrimination complaint form.
- The publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a family must avoid and the penalties for program abuse.
- HUD Form-5380 domestic violence certification form and HUD's Form-5382 notice of occupancy rights, which contains information on VAWA protections for victims of domestic violence, dating violence, sexual assault, and stalking.

## **7-I.C. FAMILY OBLIGATIONS**

The obligations of the family are described in the Housing Choice Voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. SNRHA must inform families of these obligations during the oral briefing, and the same information must be included in the briefing packet. When the family's unit is approved and the HAP contract is executed, the family must meet those obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

### **Time Frames for Reporting Changes Required By Family Obligations**

#### SNRHA Policy

Unless otherwise noted below, when family obligations require the family to respond to a request or notify SNRHA of a change, notifying SNRHA of the request or change within ten (10) calendar days is considered prompt notice.

When a family is required to provide notice to SNRHA, the notice must be in writing.

### **Family Obligations [24 CFR 982.551]**

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information that SNRHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status
- The family must supply any information requested by SNRHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information





- Any information supplied by the family must be true and complete
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest

#### SNRHA Policy

Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit. When a court awards damages to the landlord, the tenant must make financial restitution to the landlord within 30 calendar days of the date on the notice or by the date(s) specified in the court awarded notice. The PHA shall mail a copy of any court judgments to the tenant when provided by the owner. If the tenant fails to pay within 30 calendar days or by the date(s) specified in the court awarded notice, the tenant's voucher shall be terminated.

- The family must allow SNRHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan
- The family must not commit any serious or repeated violation of the lease

#### SNRHA Policy

SNRHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that causes damages to the unit or premises and/or criminal activity. Generally, the criterion to be used is whether the reason for the eviction was through no fault of the tenant or guests.

The family must notify SNRHA and the owner before moving out of the unit or terminating the lease.

#### SNRHA Policy

The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to SNRHA at the same time the owner is notified.

- The family must promptly give SNRHA a copy of any owner eviction notice
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence
- The composition of the assisted family residing in the unit must be approved by SNRHA. The family must promptly notify SNRHA in writing of the birth, adoption, or court-awarded custody of a child within ten (10) calendar days. The family must request SNRHA approval to add any other family member as an occupant of the unit, including a new spouse

#### SNRHA Policy

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. SNRHA will determine eligibility of the new member in accordance with the policies in Chapter 2.



- The family must promptly notify SNRHA in writing if any family member no longer lives in the unit, within ten (10) calendar days
- If SNRHA has given approval, a live-in aide may reside in the unit. SNRHA has the discretion to adopt reasonable policies concerning residency by a live-in aide, and to define when SNRHA consent may be given or denied. For policies related to the request and approval/disapproval of foster adults, and live-in aides, see Chapter 2 and Chapter 11 (Section II.B)
- The family must not sublease the unit, assign the lease, or transfer the unit

#### SNRHA Policy

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.

- The family must supply any information requested by SNRHA to verify the family is living in the unit or information related to family absence from the unit

The family must promptly notify SNRHA when the family is absent from the unit.

#### SNRHA Policy

Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to SNRHA by the 30<sup>th</sup> day of the extended absence.

- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher]
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space)
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 16, Program Integrity for additional information)
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and SNRHA policies related to drug-related and violent criminal activity
- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and SNRHA policies related to alcohol abuse
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that



approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities [Form HUD-52646, Voucher.]

### ***Moves***

Participants will be reissued a voucher to move once they provide a valid Vacate Notice or have a valid move approved by SNRHA. This includes participants moving within our jurisdiction and participants porting out. SNRHA shall assist outgoing ports in identifying the correct PHA within the area they are moving. Participants cannot exercise the portability right if they would be in violation of their lease or entered the program from a location other than Clark County and have not lived in SNRHA's jurisdiction for at least one (1) year unless they are considered to be a VAWA victim. SNRHA shall not issue a voucher to the participant if any form of an eviction notice "for cause" has been served and submitted to SNRHA. The owner/agent shall have no more than 30 calendar days to submit a court order summary of judgment to SNRHA. If SNRHA does not receive this document within 30 calendar days of the notice to vacate, the family shall be issued a voucher, if they have provided a written 30 calendar days-notice to their property owner or manager. The family's assistance may still be terminated if a summary of judgment is received even after they have moved or been issued a voucher to move, as SNRHA shall consider the summary of eviction for cause as documentation of a serious lease violation.

Program participants with disabilities who need to move to a new unit for reasons related to their disability must first receive approval from SNRHA's 504 Coordinator which shall be verified by their doctor or other professional medical provider. Then additional approval from the owner as documented by the owner/manager signing a mutual rescission form shall be required. If such permission is obtained, SNRHA will permit the family to move.

### ***Owner Briefing***

Briefings are held for owners as needed to market the Section 8 Housing Choice Voucher Program. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the three (3) parties to include the housing authority, the owner/agent, and the participant

### ***ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION***

SNRHA is committed to providing its Housing Choice Voucher participants with the broadest possible range of housing choices. At the briefing, families are provided information to search for housing in non-impacted areas. Non-impacted area is defined as census tracts within Clark County that are neither poverty-impacted areas nor areas of racial concentration and identified by Clark County and HUD's voluntary compliance agreement (VCA.).

SNRHA has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas. SNRHA encourages participation by owners of units outside of areas of poverty and minority concentration. SNRHA will also continue to use media and other educational forums to promote the Housing Choice Program throughout all communities. This outreach includes developing partnerships with agencies that represent the disabled population within our communities.



SNRHA has developed and provides all participants with its deconcentration map that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.

SNRHA will investigate and analyze when Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration. A report of where families are currently leased vs. where families are moving will be maintained for SEMAP reporting purposes, which address deconcentration efforts of SNRHA.

The assistance provided to such families may include:

- Providing families with a search record form to gather and record information
- Direct contact with landlords
- Counseling with the family
- Providing information about services in various non-impacted areas
- Meeting with neighborhood groups to promote understanding
- Formal or informal discussions with landlord groups
- Formal or informal discussions with social service agencies

SNRHA shall provide all applicants at their briefing an explanation of portability under the Housing Choice Voucher Program, including in the packet shall be a listing of the names and phone numbers of contact persons at neighboring housing authorities.

### ***ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION***

SNRHA will give participants a copy of HUD form 903 to file a complaint.

(See Chapter 2 regarding Fair Housing and Reasonable Accommodation)

### ***SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]***

#### ***Leases Effective on or after October 2, 1995***

The owner is not required to - but may - collect a two (2) month security deposit from the tenant.

The owner may collect a security deposit from the tenant family that does not exceed two month's contract rent, which has been private market practice. If the owner collects less than two (2) month's rent as security deposit from unassisted rental units, the security deposits on the Section 8 assisted units must be established at the same amount.

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance. When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease. The owner must give the tenant a written list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund the full amount of the unused balance to the tenant within 30 calendar days.



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

### ***TERM OF VOUCHER [24 CFR 982.303, 982.54(d) (11)]***

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

### ***Expirations***

The Voucher is valid for a period of at least 120 calendar days from the date of issuance. The family must submit a Request for Tenancy Approval (RFTA) within the 120 calendar day period unless an extension has been granted by SNRHA prior to the expiration date on the voucher. An additional 30 calendar day extension may be requested if a unit is not located within the 120 calendar day period. SNRHA will provide an additional extension of another 30 calendar days as a reasonable accommodation.

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

### ***Suspensions***

If for any reason the RFTA/Unit is not approved, SNRHA will deduct the number of calendar days remaining on the voucher from the date SNRHA receives the RFTA.

### ***Extensions***

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

A family may submit a written request for an extension of time to search for suitable housing. The written request must be received before the expiration date on the voucher. SNRHA will evaluate each request and determine the likelihood of the family finding housing with additional time to look. An approved extension will be granted for a 30 calendar day period of time with proof of search effort with at least five (5) units viewed.

A final extension is permissible at the discretion of SNRHA up to a maximum of additional 30 calendar days for:

- Extenuating circumstances (such as serious illness or death in the immediate family, hospitalization, or a family emergency for an extended period of time, which has affected the family's ability to find a unit within the initial 120 calendar day period) and verification is required. OR
- The family was prevented from finding a unit due to a disabled family member (accessibility requirements) or a larger sized unit (defined as four [4] or more bedrooms.) A documented Search Record is part of the verification, as needed.



### ***Extensions for Port-in Participants***

Extensions for billable port-in participants are at the discretion of the Initial Housing Authority (IHA).

### ***Assistance to Voucher Holders***

Families who require additional assistance during their search may call SNRHA's office to request a copy of our Landlord Listing. Voucher holders will be notified at their briefing session that SNRHA periodically updates the listing of available units and how the updated list may be obtained. Disabled voucher holders may contact the Housing Choice Voucher (HCV) Department if they require additional assistance in locating a unit or an extension of time as a reasonable accommodation.

SNRHA will assist families in negotiating rent with owners.

### ***REMAINING MEMBER OF TENANT FAMILY – RETENTION OF VOUCHER [24 CFR 982.315]***

To be considered the remaining member of the tenant family, the person must have been previously approved by SNRHA to be living in the unit. An adult, other than the co-head, can take over the voucher if the voucher holder decides they no longer want the voucher. This includes other adult children in the unit. However, the adult would be required to complete and pass a criminal background check prior to the voucher being reassigned if not previously screened.

In the event of a death or removal of the only adult in the unit, the person receiving court awarded guardianship will be assigned the voucher, if they request it.

Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family. In order for a minor child to continue to receive assistance as a remaining family member:

- The court has to have awarded emancipated minor status to the minor or
- SNRHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period. The adult must meet all eligibility requirements of the Housing Choice Voucher Program
- The Court has awarded custody of the minors to another adult who must meet all eligibility requirements of the Housing Choice Voucher Program
- Only one (1) voucher will be issued in the case where award of children are given to more than one (1) adult. The adult receiving the greater number of children will receive the voucher, if he/she meets all other program requirements. In the case of equal number of children and multiple parents or guardians, neither parent will receive the voucher unless a formal court decision is rendered and provided to SNRHA providing guidance for which adult is to receive the voucher (See Chapter 5 regarding Caretaker for Children.) A reduction in family size may require a reduction in the voucher family unit size.
- If the previous head-of-household owes a debt to SNRHA, the new head-of-household would assume the debt and a new repayment agreement will need to be signed. This must be done



after approval but before promotion of the new head-of-household in the system. The exception is if the previous head-of-household becomes deceased, the debt will not be transferred to the new head-of-household.

- SNRHA shall conduct a briefing for any new Head of Household (HoH) regarding family obligations and the new HoH will sign and complete all required documentation.

## **PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE**

### **7-II.A. OVERVIEW**

HUD guidelines require SNRHA establish subsidy standards for the determination of family unit size, and such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Housing Quality Standards This Chapter explains the subsidy standards used to determine the voucher size (family unit size) for various sized families when they are selected from the waiting list, as well as SNRHA's procedures when a family's size changes or a family selects a unit size different from the size of the voucher issued, voucher term, and to any extensions of the voucher term.

SNRHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards.

### **7-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]**

For each family, SNRHA determines the appropriate number of bedrooms under SNRHA subsidy standards and enters the family unit size on the voucher issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when SNRHA determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding
- The subsidy standards must be consistent with space requirements under the housing quality standards
- The subsidy standards must be applied consistently for all families of like size and composition
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family



Any live-in aide (approved by SNRHA to reside in the unit to care for a family member who is disabled) must be counted in determining the family unit size. Upon SNRHA approval of a request for the addition of a live-in aide, SNRHA shall notify participants that they have been approved for a live-in aide and they must submit the name, SSN, and any other required information of their selection for screening. The proposed live-in aide must sign consent forms in order for SNRHA to conduct the screening. The live-in aide must be approved or disapproved within 30 calendar days of the requested reasonable accommodation request notice, unless SNRHA is awaiting verifications. The voucher allocation increase will be processed for the approved reasonable accommodation once the live-in aide is approved.

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

SNRHA shall issue a larger voucher size due to additions of minors to the household of family members by birth, adoption, marriage, court-awarded custody, court awarded guardianship, or an assignment with verification from a social service agency. A social service agency is defined as a Department of Family Services. SNRHA will not increase the bedroom size for a participant when an adult (18 years old and older) is being added to the household, including if the adult to be added is a child of the head of household, spouse, or co-head, with the exception of court-awarded custody/guardianship of an adult.

- SNRHA will consider those minor children of family members temporarily placed in foster care in determining the family unit size (voucher size).
- When Department of Family Services (DFS) requires a larger size unit in order for the child/ren to be returned to the home, SNRHA will increase the voucher size as needed prior to the annual reexamination. However, the family may not move if they are in the initial term of their lease, and SNRHA will still not permit overcrowding.

#### SNRHA Policy

SNRHA will assign one (1) bedroom for each two (2) persons within the household, except in the following circumstances:

- Persons of the opposite sex (other than spouses) will be allocated a separate bedroom.
- Foster children will be included in determining unit size.
- Live-in aides will be allocated a separate bedroom. No additional bedrooms are provided for the attendant's family.
- Space may be provided for a child who is away at school but who lives with the family during school recesses.
- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.
- A single pregnant woman with no family members must be treated as a two-person family.
- Single person families shall be allocated a one (1) bedroom voucher.

SNRHA will reference the following chart in determining the appropriate voucher size for a family:





<b><i>GUIDELINES FOR DETERMINING VOUCHER SIZE</i></b>	
The lowest bedroom size to comply with two persons per bedroom shall apply regardless of age.	
<b>Voucher Size</b>	<b>Persons in Household (Minimum – Maximum)</b>
0 Bedroom	1-1
1 Bedroom	1-2
2 Bedrooms	2-4
3 Bedrooms	3-6
4 Bedrooms	5-8
5 Bedrooms	7-10
6 Bedrooms	10-12

**For example:** One (1) bedroom shall be assigned for the head/spouse or head and co-head. For any other person in the household SNRHA shall issue two (2) persons per bedroom. Opposite sexes (except the head/spouse or co-head) shall receive separate bedrooms regardless of age or generations. Additions of adults or adults and their children shall not result in additional bedroom size increases nor will they be allowed if the results will cause overcrowding.

SNRHA shall increase the voucher size for the addition of minors if the addition to the family warrants an increased voucher-size based on SNRHA’s occupancy guidelines. Forms of acceptability by SNRHA:

- Court Ordered Assignment
- Verification from Social Service Agency

If an error in the bedroom size designation is made by issuing a larger size voucher, the family will be issued a voucher of the appropriate size at the next annual reexamination or the next time the family moves, whichever comes first.



## **7-II.C. EXCEPTIONS TO SUBSIDY STANDARDS**

In determining family unit size for a particular family, SNRHA may grant an exception to its established subsidy standards as a reasonable accommodation. [24 CFR 982.402(b)(8)].

Reasons may include, but are not limited to

A need for a separate bedroom for reasons related to a family member's disability, medical or health condition

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one-bedroom [24 CFR 982.402(b)(8).]

### SNRHA Policy

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional). For continued approval, the family will be required to submit a certification stating there's still a need for the live-in-aide and an additional bedroom due to special medical equipment.

SNRHA will notify the family of its determination within ten (10) calendar days of receiving the family's request and verification of the need from a professional person. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

## **7-II.D. VOUCHER ISSUANCE [24 CFR 982.302]**

When a family is selected from the waiting list (or as a special admission as described in Chapter 3,) or when a participant family wants to move to another unit, the PHA issues a Housing Choice Voucher, form HUD-52646. This chapter deals only with voucher issuance for applicants. For voucher issuance associated with moves of program participants, please refer to Chapter 10.

The voucher is the family's authorization to search for housing. It specifies the unit size for which the family qualifies, and includes both the date of voucher issuance and date of expiration. It contains a brief description of how the program works and explains the family obligations under the program. The voucher is evidence SNRHA has determined the family to be eligible for the program, and SNRHA expects to have money available to subsidize the family if the family finds an approvable unit. However, SNRHA does not have any liability to any party by the issuance of the voucher, and the voucher does not give the family any right to participate in SNRHA's Housing Choice Voucher program [Voucher, form HUD-52646.]

A voucher can be issued to an applicant family only after SNRHA has determined the family is eligible for the program based on information received within the 60 calendar days prior to issuance [24 CFR 982.201(e)] and after the family has attended an oral briefing [HCV 8-1.]

### SNRHA Policy

Vouchers will be issued to eligible applicants during the mandatory briefing.

SNRHA should have sufficient funds to house an applicant before issuing a voucher. If funds are insufficient to house the family at the top of the waiting list, SNRHA must wait until it has adequate funds before it calls another family from the list [HCV GB p. 8-10].



### SNRHA Policy

Prior to issuing any vouchers, SNRHA will determine whether it has sufficient funding in accordance with the policies in Chapter 16.

If SNRHA determines there is insufficient funding after a voucher has been issued, SNRHA may rescind the voucher and place the affected family back on the waiting list.

### ***VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]***

When a family assisted under the HCV program becomes divided into two (2) otherwise eligible families (due to divorce, legal separation, or the division of the family)

1. and the new families cannot agree which new family unit should continue to receive the assistance,
2. and there is no determination by a court,

HP Management shall consider the following factors to determine which of the families will continue to be assisted:

- Role of domestic violence in the split.
- Which family member was listed as head-of-household on the original application

Documentation of these factors is the responsibility of the participant families. If either or both of the families do not provide the documentation within 30 calendar days SNRHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

## **7-II.E. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS**

### **Voucher Term [24 CFR 982.303]**

The initial term of a voucher must be at least 120 calendar days. The initial term must be stated on the voucher [24 CFR 982.303(a).]

### SNRHA Policy

The initial voucher term will be 120 calendar days.

The family must submit a completed RFTA packet within the 120 calendar day period unless SNRHA grants an extension.

SNRHA will automatically approve one (1) 30 calendar day extension upon written request from the family, however, the request for an extension must be received prior to the expiration date of the initial 120 calendar day time frame.

SNRHA will provide an additional extension of another 30 calendar days as a reasonable accommodation for disabled families.

### **Extensions of Voucher Term [24 CFR 982.303(b)]**

SNRHA has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. Extensions shall be granted for 30 calendar days.



SNRHA must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

A final extension is permissible at the discretion of SNRHA up to a maximum of additional 30 calendar days for:

- Extenuating circumstances (such as serious illness or death in the immediate family, hospitalization, or a family emergency for an extended period of time which has affected the family's ability to find a unit within the initial 120 calendar day period) and verification is required. OR
- The family was prevented from finding a unit due to a disabled family member (accessibility requirements) or a larger sized unit (defined as four [4] or more bedrooms). A documented Search Record is part of the verification, as needed.

The family must be notified in writing of SNRHA's decision to approve or deny an extension. SNRHA's decision to deny a request for an extension of the voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

SNRHA shall require the family to provide documentation to support the request. All requests for extensions to the voucher term must be made in writing and submitted to SNRHA prior to the expiration date of the voucher (or extended term of the voucher.)

### **Suspensions of Voucher Term [24 CFR 982.303(c)]**

SNRHA must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

“Suspension” means stopping the clock on a family's voucher term from the time a family submits the RFTA until the time SNRHA approves or denies the request [24 CFR 982.4.]

SNRHA's determination not to suspend a voucher term is not subject to informal review [24 CFR 982.554(c)(4)]

#### SNRHA Policy

When a Request for Tenancy Approval and proposed lease and all other required documents listed in the RFTA checklist are received by SNRHA, the term of the voucher will be suspended while SNRHA processes the request.

### **Expiration of Voucher Term**

Once a family's housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program. If the family still wishes to receive assistance, SNRHA shall require the family reapply when SNRHA reopens its waiting list. Such a family does not become ineligible for the program on the grounds it was unable to locate a unit before the voucher expired [HCV GB p. 8-13.]

#### SNRHA Policy

If a family's voucher term or extension expires before the family has submitted a Request for Tenancy Approval (RFTA), SNRHA will require the family reapply for assistance. If the RFTA was submitted prior to the expiration date of the voucher is subsequently



disapproved by SNRHA (after the voucher term has expired), the family will be given the remaining tolling days on the voucher.

Within ten business days after the expiration of the voucher term or any extension, SNRHA will notify the family in writing the voucher term has expired and Family must reapply when the waiting list is open in order to be placed on the waiting list.

### **Changes in Family Composition**

The voucher size is determined prior to the briefing by comparing the family composition to SNRHA subsidy standards. If an applicant requires a change in the voucher size, based on the requirement of SNRHA subsidy standards, the above reference guidelines will apply. Applicants must notify SNRHA with ten (10) calendar days of any changes in family composition. All changes must be submitted in writing or other methods needed by a person with a disability to SNRHA.

### **Changes for Participants**

The members of the family residing in the unit must be approved by SNRHA. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, court awarded guardianship, or foster children. In this case the family must inform SNRHA within ten (10) calendar days in writing of additions to the family. Further, changes in household composition due to marriage must also be reported within ten (10) calendar days in writing or other method needed by a person with a disability to SNRHA. The spouse, as with all additions to the program over 18 years of age, must be screened by SNRHA and shall be required to sign all authorization forms. The new spouse's income and other adults will count, pursuant to 24 CFR 5.609 (a) (1) unless a legal separation or divorce has been submitted to SNRHA.

SNRHA shall increase the voucher size for the addition of minors, or court-awarded custody of an adult, if the addition to the family warrants an increased voucher-size based on SNRHA's occupancy guidelines. Forms of acceptability by SNRHA:

- Court Ordered Assignment
- Verification from Social Service Agency
- SNRHA Appointment and Acceptance Form notarized (showing consent of a parent of the minor to be added to the family)
- SNRHA's Guardian – Self Certification of Physical Custody of Minor Child/Children form

The exception will be as an approved reasonable accommodation for a disabled family member, for a live-in aide, medical equipment, or other accommodations verified by a medical professional.

### **Under-housed and Over-housed Families**

If a unit does not meet HQS space standards due to an increase or decrease in family size, (unit too small) or the family no longer meets SNRHA's occupancy standards, SNRHA will issue a new voucher of the appropriate size, at annual recertification date; or when the family moves; if the addition to the unit has been approved by SNRHA or is due to a birth of a child/ren. If the increase in family size results in the assisted unit failing HQS space standards, SNRHA shall issue a larger



voucher at their annual recertification date. The HAP shall be cancelled as of the annual reexamination date of the contract, or when the family moves.

### ***SNRHA ERROR IN DETERMINING VOUCHER SIZE***

**If a higher bedroom size voucher is issued in error (during a family's initial lease-up, ReHAP, (move),) the family will not be penalized. The family's correct voucher size will be adjusted at their next annual examination or if the family moves.**

Changes to the family's voucher due to updated subsidy standards (such as not increasing voucher sizes for new family members that are not by birth, marriage, adoption, or foster care) shall be grandfathered in. However, no new family members can be added to the family that are not in compliance with new policies. This includes adding adults that are 18 years and older back into the family. A larger voucher size shall not be issued.

### **UNIT SIZE SELECTED [24 CFR 982.402(c)]**

The family may select a different size dwelling unit than that listed on the Voucher. There are three (3) criteria to consider:

- **Subsidy Limitation**: The family unit size as determined for a family under SNRHA subsidy standard for a family assisted in the voucher program is based on SNRHA's adopted payment standards. The payment standard for a family shall be the lower of:
  - The payment standard amount for the family unit size or
  - The payment standard amount for the unit size rented by the family
- **Utility Allowance**: The utility allowance used to calculate the gross rent is based on the lower of the voucher size or the unit the family selects, regardless of the size authorized on the family's Voucher.
- **Housing Quality Standards (HQS)**: The standards allow two (2) persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table in section 7.II.B. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.



## Chapter 8

### HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS

[24 CFR 982 Subpart I and 24 CFR 982.507]

#### INTRODUCTION

HUD requires all units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's Housing Quality Standards (HQS) and permits SNRHA to establish additional requirements. The use of the term "HQS" in this plan refers to the combination of both HUD and SNRHA-established requirements. HQS inspections are required before the Housing Assistance Payments (HAP) Contract is signed and at least annually during the term of the contract.

HUD also requires PHAs determine units rented by families assisted under the HCV program have reasonable rents when compared to comparable unassisted units in the market area.

HQS are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

SNRHA will inspect each unit under contract at least annually. SNRHA will also have an HQS Supervisor, inspector, or other designated staff, perform quality control inspections on the number of files required for file sampling by SEMAP annually. The results of these quality control inspections will be maintained for future audits to document that SNRHA meets required standards and to assure consistency in SNRHA's program.

This chapter describes SNRHA's procedures for performing HQS and other types of inspections, and SNRHA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners.

This chapter explains HUD and SNRHA requirements related to housing quality and rent reasonableness as follows:

Part I. Physical Standards. This part discusses the physical standards required of units occupied by HCV-assisted families and identifies decisions about the acceptability of the unit that may be made by the family based upon the family's preference. It also identifies 24 hour life-threatening conditions that must be addressed on an expedited basis.

Part II. The Inspection Process. This part describes the types of inspections SNRHA will make and the steps taken when units do not meet HQS.

Part III. Rent Reasonableness Determinations. This part discusses the policies SNRHA will use to make rent reasonableness determinations.

Special HQS requirements for homeownership, manufactured homes, and other special housing types are discussed in Chapter 15 to the extent they apply in this jurisdiction.



## **PART I: PHYSICAL STANDARDS**

### **8-I.A. GENERAL HUD REQUIREMENTS**

#### **HUD Performance and Acceptability Standards**

HUD's performance and acceptability standards for HCV-assisted housing are provided in 24 CFR 982.401. These standards are the responsibility of the owner unless otherwise stated on the lease. In accordance with the HAP contract, Part B, 3(a): The owner must maintain the contract unit and premises in accordance with the Housing Quality Standards (HQS.) These standards cover the following areas:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and Security
- Thermal Environment
- Illumination and electricity
- Structure and materials
- Interior Air Quality
- Water Supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary condition
- Smoke Detectors

A summary of HUD performance criteria is provided in Attachment 8-1. Additional guidance on these requirements is found in the following HUD resources:

- 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.

#### **Tenant Preference Items**

HUD requires SNRHA enforce minimum HQS but also requires certain judgments about acceptability be left to the family. For example, SNRHA must ensure the unit contains the required





sanitary facilities, but the family decides whether the cosmetic condition of the facilities is acceptable. Attachment 8-2 summarizes those items considered tenant preferences.

### **Modifications to Provide Accessibility**

Under the Fair Housing Act of 1988 an owner must not refuse the request of a family that contains a person with a disability to make necessary and reasonable modifications to the unit. Such modifications are at the family's expense. The owner may require restoration of the unit to its original condition if the modification would interfere with the owner or next occupant's full enjoyment of the premises. The owner may not increase a customarily required security deposit. However, the landlord may negotiate a restoration agreement requiring the family restore the unit and, if necessary, ensure the likelihood of restoration may require the tenant to pay a reasonable amount into an interest bearing escrow account over a reasonable period of time. The interest in any such account accrues to the benefit of the tenant. The owner may also require reasonable assurances the quality of the work will be acceptable and any required building permits will be obtained. [24 CFR 100.203; Notice 2003-31.]

Modifications to units to provide access for a person with a disability must meet all applicable HQS requirements and conform to the design, construction, or alteration of facilities contained in the UFAS and the ADA Accessibility Guidelines (ADAAG) [28 CFR 35.151(c) and Notice 2003-31] See Chapter 2 of this plan for additional information on reasonable accommodations for persons with disabilities.

#### SNRHA Policy

Any owner intending to negotiate a restoration agreement or require an escrow account must submit the agreement(s) to SNRHA for review.

### **8-I.B. ADDITIONAL LOCAL REQUIREMENTS**

SNRHA 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 SNRHA additions are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4).]

#### **Thermal Environment [HCV GB p.10-7]**

SNRHA must define a “healthy living environment” for the local climate. This may be done by establishing a temperature the heating system must be capable of maintaining, and is appropriate for the local climate.

#### SNRHA Policy

The heating system must be capable of maintaining an interior temperature of 65 degrees Fahrenheit between October 1 and May 1. The air conditioning system must be capable of maintaining an interior temperature of 72 degrees Fahrenheit between May 1 and October 1.



## **Clarifications of HUD Requirements**

### SNRHA Policy

As permitted by HUD, SNRHA has adopted the following specific requirements that elaborate on HUD standards.

#### ***Walls***

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

#### ***Windows***

Windows 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).

Windows must open properly and lock when closed.

#### ***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 openable without the use of a key.

Double cylinder deadbolt locks are NOT permitted on any door under any circumstances.

#### ***Floors***

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

All floors must be in a finished state. Raw wood or unsealed concrete is not permitted.

While baseboards are preferred in dwelling units, the absence of baseboards throughout a unit (in of itself) shall not be cause for a FAIL rating on an HQS Inspection. However, if baseboards are present in all but one (1) or two (2) areas in a unit, then the baseboards should be required in those areas to preserve a “finished look.” Vinyl baseboards are permitted.

#### ***Sinks***

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



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

If any sink in a unit is equipped with a built-in stopper device, the device must be in working condition.

### ***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 the family is instructed on the use of the quick release system.

### ***Ventilation***

Operable exhaust fans are required in each functioning bathroom, regardless if any windows are present.

### **Additional SNRHA Local Requirements:**

All appliances provided by the owner must be kept in safe and working condition.

Refrigerators temperature should be between 32° F and 40° F.

All holes in walls are to be patched with the exception of 6x6 inch size holes

If cabinets are designed to have drawers and doors, all must be operational.

All doors designed with knobs should have all knobs present and in working condition.

All closets designed with doors should have all knobs present and in working condition.

All sliding patio doors must have proper rollers so they are in easy working condition and should properly lock when closed.

All plumbing fixtures must be free from drips and leaks.

All severely chipped or rusted sinks must be patched, repaired, or replaced.

All holes in the yard area which could be a tripping hazard must be corrected.

The presence and location of smoke detectors in all HCV units must be in compliance with HUD's regulations minimum one per level.

Units must be clearly identified with house or apartment numbers.

Bars, grilles, grates, or similar devices may be installed on an emergency escape or rescue windows or doors, provided:

- Such devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and

There shall be no missing circuit breakers or openings in the circuit panel. The circuit panel (breaker box) shall be a dead front with no openings.



### **8-I.C. LIFE THREATENING CONDITIONS [24 CFR 982.404(a)]**

HUD requires SNRHA define life threatening conditions and to notify the owner or the family (whichever is responsible) of the corrections required. The responsible party must correct life threatening conditions within 24 hours of SNRHA notification. A re-inspection will be conducted to verify the items have been repaired. Life threatening conditions are defined as:

“Any condition that renders a dwelling unit unfit for human habitation and/or places the occupants of said dwelling unit in an immediate, dangerous, and/or health/safety situation including deficient heating and/or cooling of the unit.”

#### SNRHA Policy

The following are considered life threatening conditions:

- Any property determined uninhabitable by a city agency; including uninhabitable units due to fire, flood, or other natural disasters
- 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 except broken outlet covers
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of at least one (1) functioning toilet in the unit
- Inoperable smoke detectors in the unit which result in non-compliance with HUD regulations (one [1] on each level of each habitable area) regarding the number and location of smoke detectors.
- No air conditioning during the summer months May –Oct
- No heating during the winter months Oct –April
- Inoperable refrigerator or stove.

If an owner fails to correct a 24 hour life-threatening condition(s) as required by SNRHA, the Housing Assistance Payment (HAP) will be abated and the HAP contract will be cancelled allowing the participant to move.

If a family fails to correct a family caused 24 hour life-threatening condition as required by SNRHA, SNRHA shall terminate the family’s assistance.

The owner will be required to repair an inoperable smoke detector unless SNRHA determines the family has intentionally disconnected it (by removing batteries or other means.) In this case, the family will be required to repair the smoke detector within 24 hours.



## **8-I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]**

### **Family Responsibilities**

The family is responsible for correcting the following HQS deficiencies:

- Tenant-paid utilities not in service (usually gas, electricity, and water).
- Failure to provide or maintain family-supplied appliances (including ensuring all burners on stove are operable).
- Failure to maintain the unit and premises in decent and sanitary conditions which could result in potential health and/or safety concerns.
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear resulting in HQS deficiencies.
- Tenant may be billed for the cost of repairs made by the owner that were determined to be caused by the family.

### **Owner Responsibilities**

The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation.) However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

Owners are responsible for conducting intermittent inspections to ensure HQS Standards are being met.

#### SNRHA Policy

Owners are not permitted to keep storage within the assisted unit including, but not limited to: garage, parking space, attics, basements, or other storage areas designed to be utilized by the occupants of the unit.

## **8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL [24 CFR 35.1225; FR Notice 1/13/17; [PIH Notice 2017-13]]**

If SNRHA is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than six (6) years of age, living in an HCV-assisted unit has been identified as having an elevated blood lead level (EBLL), SNRHA must complete an environmental investigation of the dwelling unit. The risk assessment must be completed in accordance with program requirements, and the result of the risk assessment must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

Within 30 calendar days after receiving the risk assessment report from SNRHA, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and



35.1330.] If the owner does not complete the “hazard reduction,” as required, the dwelling unit is in violation of HQS and SNRHA will take action in accordance with Section 8-II.G.

Additionally, SNRHA shall submit a listing to Clark County Health Department of units under lease with children age six (6) and under to determine if any units have been identified as having elevated blood lead levels. This assessment shall be completed quarterly and the results maintained for future audits.

### **8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.403]**

If SNRHA determines a unit does not meet the HQS space standards because of an increase in family size or an approved change in family composition, SNRHA must issue the family a new voucher, and the family must try to find an acceptable unit as soon as possible within the term of the voucher. If an acceptable unit is available for rental by the family, SNRHA must cancel the HAP contract in accordance with its policies.

#### SNRHA Policy

A unit meets HQS space standard if the dwelling unit has at least one (1) bedroom or living/sleeping room for each two (2) persons. A living/sleeping room is considered space that is not a kitchen or a bathroom and which has a window (if designed to open, the window must open,) and either a permanent light fixture and one (1) electrical outlet or two (2) electrical outlets (24 CFR 982.401(f)(2).)

## **PART II: THE INSPECTION PROCESS**

### **8-II.A. OVERVIEW [24 CFR 982.405]**

#### **Types of Inspections**

SNRHA conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

#### ***Initial Inspections [24 CFR 982.401 (a)]***

SNRHA conducts initial inspections in response to a request from the family to approve a unit for participation in the HCV program. The unit must pass the HQS inspection before the effective date of the HAP Contract. Utilities must be on prior to the scheduled inspection. These inspections shall be scheduled within ten (10) business days of receiving a complete Request for Tenancy Approval (RFTA) packet as long as the rent is reasonable and does not exceed the family’s 40% threshold and the utilities are in service at the unit. The ten (10) business days suspends when the utilities are not on or SNRHA is waiting responses from the owner to negotiate rental amounts. However, SNRHA will not hold a RFTA for more than 30 calendar days for any reason. If the owner does not have the unit ready for inspection within 30 calendar days, the original RFTA packet shall be returned back to the Occupancy Specialist to follow-up with the family



At initial inspection of a vacant unit, SNRHA will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is permitted, but is not required.

***The Initial Inspection will be conducted to:***

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

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

On an initial inspection, the owner will be given up to ten (10) calendar days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done. No more than two (2) inspections will be scheduled for any unit.

***Annual Inspections [24 CFR 982.405(a)]***

HUD requires SNRHA to inspect each unit under lease at least annually to confirm the unit still meets HQS. SNRHA begins scheduling inspections 90 calendar days prior to the last annual inspection, as required by Section Eight Management Assessment Plan (SEMAP.) Special inspections may be scheduled between annual inspection dates. SNRHA will implement bi-annual HQS inspections in accordance with HUD guidance. Bi-Annual HQS inspections will be ineligible for units that were not in compliance from the previous or become non-compliant at next inspection.

HQS deficiencies causing a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

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

Reasonable hours to conduct an inspection are between 8:00 a.m. and 5:00 p.m. If inspections are scheduled during other times, prior notice shall be provided to the tenant.

SNRHA will notify the family in writing at least seven (7) calendar days prior to the inspection, except emergency or 24 hour violation inspections.

**Inspection**

The family and owner are notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment prior to the appointment date so the inspection is completed within 30 calendar days of the original appointment but may not exceed 45 calendar days. Another adult may be present for the annual HQS inspection.

Participants who fail to have an annual HQS inspection will be considered to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

**Re-inspection**

The family and owner are mailed a notice of the inspection appointment by mail. If the family fails to provide access for the inspection and does not contact SNRHA to reschedule the inspection prior to the scheduled appointment date, SNRHA shall automatically schedule a second appointment in writing. This second letter will be mailed at least five (5) business days prior to



the appointment date. If the family is not at home for the re-inspection appointment, SNRHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan. Exception to written notices shall be re-inspections for emergency items.

The family is also notified that it is a Family Obligation to allow SNRHA to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 12, "Denial or Termination of Assistance," they will be advised of their responsibility to correct.

### ***Special Inspections [24CFR 982.405 (c)]***

A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between annual inspections. SNRHA may also conduct a special inspection based on information from third parties such as neighbors or public officials. Non-HQS inspections can be done without a prior notice for fraud.

SNRHA will inspect only the items reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS the deficiency(ies) will be documented and the responsible party will be required to make the necessary repairs within established timeframes.

If the annual inspection date is within 90 calendar days of a special inspection, as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as an annual inspection, and all annual inspection procedures will be followed.

### ***Quality Control Inspections 24CFR 982.405 (b)***

HUD requires a sample of units be re-inspected by a supervisor or other qualified individual to ensure HQS are being enforced correctly and uniformly by all inspectors. Quality Control inspections will be performed by the HQS Supervisor or certified designee for the number of units required by SEMAP. The purpose of Quality Control inspections is to ascertain each inspector is conducting accurate and complete inspections, and to ensure there is consistency among inspectors in application of the HQS.

The sampling of files will include recently completed inspections within the previous month of the date they are inspected, a cross-section of neighborhoods, and a cross-section of inspectors.

### ***Reasonable Accommodation: Additional Bedrooms***

SNRHA will include a review of actual bedrooms used as part of the annual inspections to verify an additional bedroom for medical equipment and live-in aides, as well as to confirm the continued need for a reasonable accommodation.

### ***Inspection of PHA-owned Units [24 CFR 982.352(b)]***

SNRHA must obtain the services of an independent entity to perform all HQS inspections in cases where an HCV family is receiving assistance in a SNRHA-owned unit. A SNRHA-owned unit is defined as a unit owned by the PHA administering the assistance under the consolidated Annual Contributions Contract (ACC) including a unit owned by an entity substantially controlled by the PHA. The independent agency must communicate the results of each inspection to the family and SNRHA. The independent agency must be approved by HUD, and may be the unit of general





local government for SNRHA jurisdiction (unless SNRHA is itself the unit of general local government or an agency of such government.)

### ***Inspection Costs (Notice PIH 2016-05)***

SNRHA may not charge the family for unit inspections [24 CFR 982.405(e).] In the case of inspections of SNRHA-owned units, SNRHA may compensate the independent agency from ongoing administrative fee for inspections performed. SNRHA and the independent agency may not charge the family any fee or charge for the inspection [24 CFR.982.352(b).]

#### SNRHA Policy

SNRHA will not charge a fee for failed reinspections.

### ***Notice and Scheduling***

The family must allow SNRHA to inspect the unit at reasonable times with reasonable notice [24 CFR 982.551(d).]

#### SNRHA Policy

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a 24 hour life-threatening emergency, reasonable notice is considered to be 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m. In the case of a 24-hour life-threatening emergency (See Section **8-I.C. LIFE THREATENING CONDITIONS**), SNRHA will give as much notice as possible, given the nature of the emergency. Notice shall not be provided for fraud investigations.

### **Owner and Family Inspection Attendance**

HUD permits SNRHA to set policy regarding family and owner presence at the time of inspection [HCV GB p. 10-27.]

#### SNRHA Policy

At initial inspection of a vacant unit, SNRHA will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is permitted, but is not required.

### **8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]**

#### **Timing of Initial Inspections**

HUD requires the unit to pass HQS on or before the effective date of the lease and HAP Contract. HUD requires PHA with fewer than 1,250 budgeted units to complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 calendar days of submission of the Request for Tenancy Approval (RFTA.) For PHAs with 1,250 or more budgeted units, to the extent practicable such inspection and determination must be completed within 15 calendar days. The 15-calendar day period is suspended for any period during which the unit is not available for inspection [982.305(b)(2).]



### SNRHA Policy

SNRHA will schedule the initial inspection and determine rent reasonableness within ten (10) business days of submission of the Request for Tenancy Approval (RFTA.)

SNRHA shall accept (in accordance with HUD Federal Register 35974, dated June 25, 2014) inspections completed for HOME funds and LIHTC programs as initial inspections. Documents must be maintained in each file. The inspection must have a written cover indicating pass or fail and the effective date of the inspection. These shall be used only for new developments with HOME or LIHTC fund attached to the funding.

## **Inspection Results and Re-inspections**

### SNRHA Policy

If any HQS violations are identified, the owner or his/her representative will be notified of the deficiencies on-site with a written notice to follow no later than the next business day. This notice shall provide a time frame of ten (10) calendar days to correct violations. SNRHA will re-inspect the unit within three (3) business days of the date the owner notifies SNRHA that the required corrections have been made.

If the time period for correcting the deficiencies has elapsed, or the unit fails HQS at the time of the re-inspection, SNRHA will notify the owner and the family the unit has been rejected and the family must search for another unit.

Following a failed re-inspection, the family may elect to submit a new Request for Tenancy Approval (RFTA) for the same unit if the family has not found another unit by the time the owner completes all repairs and the family continues to wish to live in the unit. The unit would be required to pass an inspection, a rent reasonableness determination is required, and a new lease and HAP Contract will need to be executed.

## **Utilities**

Generally, at initial lease-up the owner is responsible for demonstrating all utilities are in working order including those utilities the family will be responsible for paying.

### SNRHA Policy

The utilities must be on at the time of the initial inspection. If they are not on, the inspection will be rescheduled.

### SNRHA Policy

The stove and refrigerator must be in place regardless of whether the owner or the family is responsible to provide them.

## **8-II.C. ANNUAL HQS INSPECTIONS 24CFR 982.405-982.406. Notice PIH 2016-05]**

### **Scheduling the Inspection**

Each unit under a HAP contract must have an annual inspection within twelve (12) months after the date of the previous annual or initial inspection.

The PHA will not rely on alternative inspection standards.



### SNRHA Policy

If an adult (person 18 or older) cannot be present on the scheduled date, the family should request SNRHA reschedule the inspection. If the family misses the first scheduled appointment without requesting a new inspection date, SNRHA will automatically schedule a second inspection. If the family misses two (2) scheduled inspections without SNRHA approval, SNRHA will consider the family to have violated its obligation to make the unit available for inspection. If the family is unable to be present but authorizes an adult representative to be present, and the adult presents valid photo ID, the inspection will be conducted.

Failure to comply may result in termination of the family's assistance in accordance with Chapter 12.

### **8-II.D. SPECIAL INSPECTIONS [24 CFR 982.405(g)]**

SNRHA will conduct a special inspection within one (1) to three (3) business days if the owner, family, or another source reports HQS violations in the unit.

### SNRHA Policy

During a special inspection, SNRHA generally will inspect only those deficiencies reported. The inspector will record any additional HQS deficiencies observed during the course of the inspection and will require the responsible party to make the necessary repairs. If the annual inspection has been scheduled or is due within 90 calendar days of the date the special inspection is scheduled, SNRHA may elect to conduct a full annual inspection.

### **8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); HCV GB, p. 10-32]**

HUD requires SNRHA supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure each inspector is conducting accurate and complete inspections and there is consistency in the application of the HQS.

The Inspection Supervisor or designee will conduct the quality control inspections by randomly selecting units inspected within the previous month.

The unit sample must include only inspected units within the preceding month. The selected sample will include (1) each type of inspection (initial, annual, and special), (2) inspections completed by inspector, and (3) units from a cross-section of neighborhoods. Quality control inspections will be logged in a manner reviewable and retained for SEMAP confirmation.

### **8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT**

#### **Notification of Corrective Actions**

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, SNRHA will determine (1) whether or not the failure is a 24



hour life threatening condition and (2) whether the family or owner is responsible (See Section 8-I.C. LIFE THREATENING CONDITIONS).

#### SNRHA Policy

When life threatening conditions are identified, SNRHA will immediately notify both parties by telephone, facsimile, or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of SNRHA's notice. A notification shall also be sent via certified mail.

When failures that are not life-threatening are identified, SNRHA will send the owner and the family a written notification of the inspection results within two (2) business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. Generally, not more than 15 calendar days will be allowed for the correction, unless an extension for good cause is determined by the HQS Supervisor, HQS Inspector or HP Management.

The notice of inspection results will inform the owner if life threatening conditions are not corrected within 24 hours, and non-life threatening conditions are not corrected within 15 calendar days (or any PHA-approved extension), the owner's HAP will be abated in accordance with SNRHA policy (see 8-II.G.) Likewise, in the case of family caused deficiencies, the notice will inform the family if corrections are not made within 15 calendar days (or any PHA-approved extension, if applicable) the family's assistance will be terminated in accordance with PHA policy (see Chapter 12.)

#### **Extensions**

For conditions that are 24 hour life-threatening, SNRHA cannot grant an extension to the 24 hour corrective action period. For conditions that are not life-threatening, SNRHA may grant an exception to the required time frames for correcting the violation, if SNRHA determines an extension is appropriate [24 CFR 982.404].

#### SNRHA Policy

Extensions will be granted in cases where SNRHA has determined the owner has made a good faith effort to correct the deficiencies but was unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case by case basis, but will not exceed 30-calendar days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 15 calendar days, once the weather conditions have subsided. All requests for extensions must be submitted in writing to the Inspections Department within ten (10) days of the original



default date and approved by the Housing Quality Standards (HQS) Supervisor, HQS Inspector, and/or Housing Programs (HP) Management.

## **Re-inspections**

### SNRHA Policy

SNRHA will conduct a re-inspection immediately following the end of the corrective period, or any SNRHA approved extension. SNRHA will accept self-certifications for non-life-threatening deficiencies from the owner in lieu of a physical re-inspection.

For 24-hour violations, the owner is responsible for making corrections within 24 hours of the PHA's notice. The PHA will reinspect the unit within 24 hours or the next business day if the reinspection falls on a weekend or holiday.

Generally, the PHA will perform a physical reinspection for non-life-threatening violations. However, when non-life-threatening violations are identified, the PHA may accept an owner certification that the repairs were made as long as it is received within the correction period or any approved extension.

The family and owner will be given reasonable notice of the re-inspection appointment. If the deficiencies have not been corrected by the time of the re-inspection, SNRHA will send a Notice of Abatement and Notice of Cancellation of Contract to the owner, or in the case of family caused violations, a Notice of Termination to the family, in accordance with SNRHA policies. If SNRHA is unable to gain entry to the unit in order to conduct the scheduled re-inspection, SNRHA will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

## **8-II.G. ENFORCING OWNER COMPLIANCE [24 CFR 982.405; 982.453]**

If the owner fails to maintain the dwelling unit in accordance with HQS (as stated above in 8-I.B), SNRHA must take prompt and vigorous action to enforce the owner obligations.

### **HAP Abatement**

If an owner fails to correct HQS deficiencies by the time specified by SNRHA, HUD requires SNRHA to abate housing assistance payments "no later" than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.3(f)].

No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

### SNRHA Policy

SNRHA will make all HAP abatements effective the first of the following month from the date of the abatement notice if repairs are not made no later than the day/time of the scheduled re-inspection, unless there is an approved written extension by SNRHA management staff prior to the due date. SNRHA will inspect abated units within three (3)



business days of the owner's notification the work has been completed if the contract has not been cancelled or the abatement period has not ended.

During any abatement period the family continues to be responsible for its share of the rent and will be scheduled to be issued a voucher to move. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction. Payment will resume effective on the calendar day the unit passes inspection and the tenant still resides in the unit. The landlord is not entitled to any back rent from SNRHA for units that have been abated due to a failed HQS. The maximum amount of time HAP may be abated is 60 calendar days. If the owner does not make the necessary corrections by the end of the abatement period, the HAP Contract will be cancelled.

### **HAP Contract Cancellation**

SNRHA must decide how long any abatement period will continue before the HAP contract will be terminated.

#### SNRHA Policy

The maximum length of time HAP may be abated is 60 calendar days. However, if the owner completes corrections and notifies SNRHA before the cancellation of the HAP contract, SNRHA may rescind the cancellation notice if:

- (1) the family still resides in the unit and wishes to remain in the unit and
- (2) the unit passes inspection. Reasonable notice of HAP contract cancellation by SNRHA is at least 30 calendar days.

If the owner does not make the necessary corrections by the end of the abatement period, SNRHA will send a Notice of Cancellation of Contract to the owner and a notice to the family that the HAP contract is being cancelled and the family must move in order to continue to receive assistance.



**Example 1 – 24-HOUR LIFE-THREATENING DEFICIENCY:**

July 28<sup>th</sup> - Unit failed inspection (24 Hour Fail.)

A Notice of Default is immediately issued with a re-inspection date for July 29<sup>th</sup>.

**SNRHA cannot grant an extension to the 24 hour corrective action period.**

July 29<sup>th</sup> – Unit is re-inspected and fails (24 Hour Fail.)

The HAP is placed in Abatement effective the first of the following month (August 1<sup>st</sup>.)

The HAP Contract is cancelled effective September 30<sup>th</sup>.

The participant will be scheduled to be issued a voucher to move.

The owner/agent must notify SNRHA by the end of the Abatement period of deficiencies corrected and request a re-inspection.

If the unit passes re-inspection, the HAP payment will be reinstated and the participant will have the option to remain in the unit or continue the moving process.

If the unit fails re-inspection or if the owner/agent does not notify SNRHA for a re-inspection, the HAP payments will not be reinstated and the HAP contract will be cancelled as of September 30<sup>th</sup>. If the participant remains in the unit after September 30<sup>th</sup>, the participant will be responsible for the full contract rent to the owner/agent.

See Next Page for Example 2 – NON-Life Threatening Deficiency.



**Example 2 – NON-LIFE THREATENING DEFICIENCY:**

July 28<sup>th</sup> - Unit failed inspection.

A Notice of Default is immediately issued with a re-inspection date for August 12<sup>th</sup>. Any extensions for the re-inspection date must be received within ten (10) calendar days of the original date of the Notice of Default.

August 4<sup>th</sup> – SNRHA has received the Owner/Agent’s request for an extension for re-inspection date. The owner/agent receives up to 15 additional calendar days from the date of the original re-inspection date.

August 27<sup>th</sup> – Unit is re-inspected and fails.

The HAP is placed in Abatement effective the first of the following month (September 1<sup>st</sup>.)

The HAP Contract is cancelled effective October 31st.

The participant will be scheduled to be issued a voucher to move.

The owner/agent must notify SNRHA by the end of the Abatement period of deficiencies corrected and request a re-inspection.

If the unit passes re-inspection, the HAP payment will be reinstated and the participant will have the option to remain in the unit or continue the moving process.

If the unit fails re-inspection or if the owner/agent does not notify SNRHA for a re-inspection, the HAP payments will not be reinstated and the HAP contract will be cancelled as of October 31st. If the participant remains in the unit after October 31st, the participant will be responsible for the full contract rent to the owner/agent.

Families that reside in units that have been abated, will be issued a voucher and will have the option to move even if the assisted unit passes inspection (the third and final inspection.)

Normally the maximum length of time that a HAP may be abated is 60 calendar days.

**8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]**

Families are responsible for correcting any HQS violations listed in paragraph 8.I.D. If the family fails to correct a violation within the period allowed by SNRHA (and any written extensions), SNRHA will terminate the family’s assistance, according to the policies described in Chapter 12.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repairs.





## **PART III: RENT REASONABLENESS [24 CFR 982.507]**

### **8-III.A. OVERVIEW**

No HAP contract can be approved until SNRHA has determined the rent for the unit is reasonable. The purpose of the rent reasonableness test is to ensure fair rent is paid for each unit rented under the HCV program.

HUD regulations define reasonable rent as one not exceeding the rent charged for comparable, unassisted units in the same market area. HUD also requires that owners not charge more for assisted units than for comparable unassisted units on the premises. This part explains the method used to determine whether a unit's rent is reasonable.

#### **SNRHA-owned Units [24 CFR 982.352(b)]**

In cases where an HCV family is receiving assistance in a SNRHA-owned unit, SNRHA must obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. A SNRHA-owned unit is defined as a unit owned by SNRHA administering the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by SNRHA.) The independent agency must communicate the results of the rent reasonableness determination to the family and SNRHA. The independent agency must be approved by HUD, and may be the unit of general local government for SNRHA jurisdiction (unless SNRHA is itself the unit of general local government or an agency of such government.)

### **8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED**

#### **Owner-initiated Rent Determinations**

SNRHA must make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment.

The owner and family first negotiate the rent for a unit. SNRHA (or independent agency in the case of SNRHA-owned units) will assist the family with the negotiations upon request. Prior to the initial occupancy, SNRHA must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family.

#### SNRHA Policy

After the initial occupancy period, the owner may request a rent adjustment in accordance with the owner's lease. For rent increase requests after initial lease-up, SNRHA may request owners to provide information about the rents charged for other units on the premises, if the premises include more than four (4) units. In evaluating the proposed rents in comparison to other unassisted units on the premises SNRHA will consider unit size and length of tenancy in the other units.



SNRHA will determine whether the requested increase is reasonable within thirty (30) days of receiving the request from the owner. The owner will be notified of the determination in writing.

All rental increase adjustments must be received 60 calendar days prior to the anniversary date of the HAP contract and will be processed with the next annual recertification. Owners/managers who fail to submit at least 60 calendar days prior shall be denied their request for a rental increase for that year.

### **SNRHA- and HUD-Initiated Rent Reasonableness Determinations**

HUD requires SNRHA to make a determination of rent reasonableness (even if the owner has not requested a change) if there is a ten (10) percent decrease in the fair market rent that goes into effect at least 60 calendar days before the contract anniversary date. HUD also may direct SNRHA to make a determination at any other time. SNRHA may decide a new determination of rent reasonableness is needed at any time.

#### SNRHA Policy

In addition to the instances described above, SNRHA will make a determination of rent reasonableness at any time after the initial occupancy period if: (1) SNRHA determines the initial rent reasonableness determination was in error or (2) SNRHA determines the information provided by the owner about the unit or other units on the same premises was incorrect.

### **8-III.C. HOW COMPARABILITY IS ESTABLISHED**

SNRHA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

SNRHA will not approve a lease until SNRHA determines the initial rent to owner is a reasonable rent. SNRHA must re-determine the reasonable rent before any increase in the rent to owner, and if there is a five (5) percent decrease in the published Fair Market Rent (FMR) in effect 60 calendar days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one (1) year before the contract anniversary.

SNRHA must re-determine rent reasonableness if directed by HUD and based on a need identified by SNRHA's auditing system. SNRHA may elect to re-determine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by SNRHA.

The owner will be advised by accepting each monthly housing assistance payment he/she will be certifying the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give SNRHA information on rents charged by the owner for other units in the premises or elsewhere.

The data for other unassisted units may be gathered from newspapers, Internet Realtors, professional associations, inquiries of owners, market surveys, and other available sources.



The market areas for rent reasonableness are census tracts and/or neighborhoods within two (2) miles of the target unit to the extent possible. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

### **Factors to Consider**

HUD requires SNRHA to take into consideration the factors listed below when determining rent comparability. SNRHA may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

- Location and age
- Unit size including the number of rooms and square footage of rooms
- The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise)
- The quality of the units including the quality of the original construction, maintenance and improvements made
- Amenities, services, and utilities included in the rent
- Utilities.

### **8-III.D. SNRHA RENT REASONABLENESS METHODOLOGY**

In accordance with the regulations and PIH 2003-12, the voucher program regulation at 24 CFR 982.507 requires SNRHA to certify the rent charged to the housing choice voucher tenant is not more than the rent charged for other unassisted comparable units. Section 982.507(c) states the owner must give SNRHA information requested by SNRHA on rents charged by the owner for other units in the premises or elsewhere. The RFTA, Form HUD-52517, was revised to add information from owners of multifamily properties on the rents charged for three (3) recent rentals of comparable unassisted units in the same complex. The owner supplies this information in Section 12a of the revised RFTA. SNRHA may use the information provided in Section 12a of the form to determine and document rent reasonableness for comparable unassisted units in the same apartment complex.

In adherence with HUD requirements, SNRHA utilizes a rent reasonableness system and database comparing similar units and includes and considers all of HUD's rent reasonableness factors. SNRHA will use three (3) comparable units for each rent reasonableness determination.

SNRHA utilizes the Gosection8.com rent reasonable service which uses a hedonic valuation model (in this context hedonic price analysis determines how the price of a unit varies with its unique characteristics) to identify and compare the program subject unit to the most similar private market rental property units within a specific geographic radius, drawing on a data base of non-subsidized comparable units and current property listings in compliance with HUD Rent Reasonable requirements.

Gosection8.com hedonic pricing methodology adjusts the rental value of the comparable units, based on features that may differ between the comparable units and the subject unit. For example, when a comparable unit has a significant feature the subject unit does not have (e.g., owner-paid utilities), the rental price of the comparable unit should be adjusted downward, as if the



comparable unit also did not have this feature. The amount of the adjustment is equal to the value of that feature in the market.

Section 982.507(c) states the owner must give SNRHA information requested by SNRHA on rents charged by the owner for other units in the premises or elsewhere. The RFTA, Form HUD-52517, was revised to add information from owners of multifamily properties on the rents charged for three (3) recent rentals of comparable unassisted units in the same complex.

The owner supplies this information in Section 12a of the revised RFTA. SNRHA may use the information provided in Section 12a of the form to determine and document rent reasonableness for comparable unassisted units in the same apartment complex.

### **How Market Data is Collected**

#### SNRHA Policy

SNRHA may collect and maintain data on market rents in SNRHA's jurisdiction. Information sources include newspapers, realtors, market surveys, inquiries of owners and other available sources. The data will be maintained by bedroom size and market areas. Market areas may be defined by zip codes, census tract, neighborhood, and identifiable natural or man-made boundaries. The data will be updated on an ongoing basis and rent information that is more than 12 months old will not be used from the database. In the cases where a comparable is required, SNRHA shall provide for three (3) comparable units.

### **How Rents are Determined**

#### SNRHA Policy

The rent for the unit proposed for HCV assistance will be compared to the rent charged for no less than three (3) comparable units in the same market area. SNRHA will develop a range of prices for comparable units within this rent range. Interactive maps with satellite overlays will be used to identify and select the most similar unsubsidized units in closest proximity to the subject unit, and comparable unit data characteristics will be used to select the most similar units. Because units may be similar, but not exactly like the unit proposed for HCV assistance, SNRHA may make adjustments to the range of prices to account for these differences.

### **Units That Must Not Be Used as Comparables**

Comparable units must represent unrestricted market rents. Therefore, units receiving some form of federal, state, or local assistance imposing rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs:

- Section 8 project-based assistance,
- Section 236 and Section 221(d)(3),
- Below Market Interest Rate (BMIR) projects,
- HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized,
- Units subsidized through federal, state, or local tax credits,



- Units subsidized by the Department of Agriculture rural housing programs, and
- Units rent-controlled by local ordinance.

Note: Notice PIH 2011-46 issued August 17, 2011, provides further guidance on the issue of what constitutes an assisted unit.

### **Rents Charged for Other Units on the Premises**

The Request for Tenancy Approval (HUD-52517) requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than four (4) units.

By accepting SNRHA payment each month, the owner certifies the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give SNRHA information regarding rents charged for other units on the premises.

Information is gathered on unassisted rental units in SNRHA's market area, and each unit is rated, using SNRHA's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Attempts will be made to localize the unit within the same census tract or the adjoining census tract. As many defined factors of the items listed above on the unit to be assisted will be compared, to those factors of comparable unassisted units in the database. The average will be adjusted up or down based on the estimated dollar value of the comparable items in comparison with the total database.

The unit and the comparable(s) shall be maintained in the file.

**\*\*\* EXHIBIT 8-1: See next page \*\*\***



## **EXHIBIT 8-1: OVERVIEW OF HUD HOUSING QUALITY STANDARDS**

Note: This document provides an overview of HQS. For more detailed information see the following documents:

- 24 CFR 982.401, Housing Quality Standards (HQS)
- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (4-20-2015) and Inspection Checklist, form HUD-52580-A (4/2015)

### **Sanitary Facilities**

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

### **Food Preparation and Refuse Disposal**

The dwelling unit must have space and equipment suitable for the family to store, prepare, and serve food in a sanitary manner.

### **Space and Security**

The dwelling unit must provide adequate space and security for the family. This includes having at least one (1) bedroom or living/sleeping room for each two (2) persons.

### **Thermal Environment**

The unit must have a safe system for heating the dwelling unit. The cooling system must be in proper operating condition. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

### **Illumination and Electricity**

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. Minimum standards are set for different types of rooms. Once the minimum standards are met, the number, type and location of electrical sources are a matter of tenant preference.

### **Structure and Materials**

The dwelling unit must be structurally sound. Handrails are required when four (4) or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are 30 inches or more off the ground. The elevator servicing the unit must be working [if there is one.]



Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.

### **Interior Air Quality**

The dwelling unit must be free of air pollutant levels that threaten the occupants' health. There must be adequate air circulation in the dwelling unit. Bathroom areas must have one openable window or other adequate ventilation. Any sleeping room must have at least one (1) window. If a window was designed to be opened, it must be in proper working order.

### **Water Supply**

The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

### **Lead-Based Paint**

Lead-based paint requirements apply to dwelling units built prior to 1978 occupied by families with children less than six (6) years of age, excluding zero-bedroom dwellings. Owners must:

- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- Provide all prospective families with "Protect Your Family from Lead in Your Home,"
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities within 30 days when identified by the PHA
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint.
- Maintain covered housing without deteriorated paint if there is child under six (6) in the family.

For units occupied by Elevated Blood Lead Level (EBLL or lead poisoned) children under six (6) years of age, an environmental investigation must be conducted (paid for by the PHA.) If lead hazards are identified during the risk assessment, the owner must complete hazard reduction activities within 30 days.

See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R.

### **Access**

Use and maintenance of the unit must be possible without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire.

### **Site and Neighborhood**

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

### **Sanitary Condition**



The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. The unit must have adequate barriers to prevent infestation.

### **Smoke Detectors**

Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards.) If the dwelling unit is occupied by any person with a hearing impairment, smoke detectors must have an appropriate alarm system as specified in NFPA 74 (or successor standards.)

### **Hazards and Health/Safety**

The unit (interior and exterior common areas) accessible to the family, the site, and the surrounding neighborhood must be free of hazards to the family's health and safety.

\* \* \* Exhibit 8-2 (Next Page) \* \* \*





## EXHIBIT 8-2: SUMMARY OF TENANT PREFERENCE AREAS

### RELATED TO HOUSING QUALITY

Note: This document provides an overview of unit and site characteristics and conditions for which the family determines acceptability. For more detailed information see the following documents:

- Housing Choice Voucher Guidebook, Chapter 10
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (4-20-2015) and Inspection Checklist, form HUD-52580-A (-4-2015)

Provided the minimum Housing Quality Standards have been met, HUD permits the family to determine whether the unit is acceptable with regard to the following characteristics.

- *Sanitary Facilities.* The family may determine the adequacy of the cosmetic condition and quality of the sanitary facilities, including the size of the lavatory, tub, or shower; the location of the sanitary facilities within the unit; and the adequacy of the water heater.
  - *Food Preparation and Refuse Disposal.* The family selects size and type of equipment it finds acceptable. When the family is responsible for supplying cooking appliances, the family may choose to use a microwave oven in place of a conventional oven, stove, or range. When the owner is responsible for providing cooking appliances, the owner may offer a microwave oven in place of an oven, stove, or range only if other subsidized and unsubsidized units on the premises are furnished with microwave ovens only. The adequacy of the amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.
  - *Space and Security.* The family may determine the adequacy of room sizes and room locations. The family is also responsible for deciding the acceptability of the type of door and window locks, except for double cylinder dead bolts locks on doors which are prohibited.
  - *Energy conservation items.* The family may determine whether the amount of insulation, presence or absence of storm doors and windows and other energy conservation items are acceptable.
  - *Illumination and Electricity.* The family may determine whether the location and the number of outlets and fixtures (over and above those required to meet HQS standards) are acceptable or if the amount of electrical service is adequate for the use of appliances, computers, or stereo equipment.
- (6) *Structure and Materials.* Families may determine whether minor defects, such as lack of paint, or worn flooring or carpeting will affect the livability of the unit.
- (7) *Indoor Air.* Families may determine whether window and door screens, filters, fans, or other devices for proper ventilation are adequate to meet the family's needs. However, if screens are present they must be in good condition.
- (8) *Sanitary Conditions.* The family determines whether the sanitary conditions in the unit, including minor infestations, are acceptable.
- (9) *Neighborhood conditions.* Families may determine whether neighborhood conditions such as the presence of drug activity, commercial enterprises, and convenience to shopping will affect the livability of the unit.

Families have no discretion with respect to lead-based paint standards and smoke detectors.



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## Chapter 9

### GENERAL LEASING POLICIES REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION

#### INTRODUCTION [24 CFR 982.305(a)]

This Section covers the lease-up process from the family's submission of a Request for Tenancy Approval to execution of the HAP contract. SNRHA's program operations are designed to utilize available resources in a manner that is efficient and provide eligible families timely assistance based on the number of units that have been budgeted. SNRHA's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

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

Chapter 9 covers the lease-up process from the family's submission of a Request for Tenancy Approval to execution of the HAP contract.

In order for SNRHA to assist a family in a particular dwelling unit, or execute a Housing Assistance Payments (HAP) contract with the owner of a dwelling unit, SNRHA must determine all the following program requirements are met:

- The unit itself must qualify as an eligible unit [24 CFR 982.305(a)]
- The unit must be inspected by the PHA and meet the Housing Quality Standards (HQS) [24 CFR 982.305(a)]
- The lease offered by the owner must be approvable and must include the required Tenancy Addendum [24 CFR 982.305(a)]
- The rent to be charged by the owner for the unit must be reasonable [24 CFR 982.305(a)]
- The owner must be an eligible owner, approvable by SNRHA, with no conflicts of interest [24 CFR 982.306]
- For families initially leasing a unit only: Where the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family cannot exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]

#### 9-I.A. TENANT SCREENING

SNRHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy [24 CFR 982.307(a)(1)].



SNRHA may elect to screen applicants for family behavior or suitability for tenancy. See Chapter 3 for a discussion of SNRHA's policies with regard to screening applicant families for program eligibility [24 CFR 982.307(a)(1)].

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before SNRHA approval of the tenancy, SNRHA must inform the owner that screening and selection for tenancy is the responsibility of the owner [24 CFR 982.307(a)(2)]. SNRHA must also inform the owner or manager of their responsibility to comply with VAWA. [Pub.L. 109-162]

SNRHA must provide the owner with the family's current and prior address (as shown in SNRHA records); and the name and address (if known to SNRHA) of the landlord at the family's current and prior address. [24 CFR 982.307 (b)(1)].

SNRHA is permitted, but not required, to offer the owner other information in SNRHA's possession about the family's tenancy [24 CFR 982.307(b)(2)].

SNRHA's policy on providing information to the owner must be included in the family's briefing packet [24 CFR 982.307(b)(3)].

#### SNRHA Policy

SNRHA will not screen applicants for family behavior or suitability for tenancy.

SNRHA will not provide additional screening information to the owner.

### **9-I. B. REQUESTING TENANCY APPROVAL [Form HUD-52517]**

After the family is issued a voucher, the family must locate an eligible unit, with an owner or landlord willing to participate in the voucher program. Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the owner and the family must request SNRHA to approve the assisted tenancy in the selected unit.

The owner and the family must submit all documents to SNRHA:

- Completed Request for Tenancy Approval (RFTA) – Form HUD-52517
- Copy of the proposed lease (signed by both parties with no effective date), including any addendum regarding utilities and who supplies the stove and refrigerator.
- W9 Form for legal owner (must include additional W-9 for payee, if other than owner)
- Direct Deposit Form- with voided check (must be pre-printed from bank or a statement from bank with business logo and information)
- Recorded Deed – staff will verify using Clark County Government websites
- Trust documents, if applicable to identify trustee bank assigned tax ID or EIN
- Side Payment/Program Abuse Form.

The RFTA contains important information about the rental unit selected by the family, including unit address, number of bedrooms, structure type, year constructed, utilities included in the rent,



and the requested beginning date of the lease, necessary for SNRHA to determine whether to approve the assisted tenancy in this unit.

Owners must certify they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless SNRHA has granted a request for reasonable accommodation for a person with disabilities who is a member of the participant household.

For units constructed prior to 1978, owners must either 1) certify the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

Both the RFTA and the proposed lease must be submitted no later than the expiration date stated on the voucher. [HCV GB p.8-15].

### SNRHA Policy

The RFTA must be signed by both the family and the owner.

The owner may submit the RFTA on behalf of the family.

Completed RFTA (including the proposed dwelling lease) must be submitted as hard copies. The original RFTA must be submitted.

The family may not submit, and SNRHA will not process, more than one (1) RFTA at a time.

When the family submits the RFTA SNRHA will review the RFTA for completeness.

If the RFTA is incomplete (including lack of signature or date by family, owner, or both and/or failure to include comparable unassisted unit information), or if the dwelling lease is not submitted with the RFTA, or other required documents are not attached, SNRHA will NOT accept the packet.

When the family submits the RFTA and proposed lease, SNRHA will also review the terms of the RFTA for consistency with the terms of the proposed lease.

If the terms of the RFTA are not consistent with the terms of the proposed lease, SNRHA will notify the family and the owner of the discrepancies.

Corrections to the terms of the RFTA and/or the proposed lease will only be accepted as hard copies, in-person, by mail, email, or by fax. The PHA will not accept corrections by phone.

Because of the time sensitive nature of the tenancy approval process, SNRHA will attempt to communicate with the owner and family by phone, fax, or email. SNRHA will use mail when the parties can't be reached by phone, fax, or email.

The original Request for Tenancy Approval (RFTA) and a signed copy of the proposed Lease with no commencement date, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Tenancy Approval in the form and manner required by SNRHA. The lease



dates must match the contract effective date and must be signed by both parties with no execution date at the time of submission.

The Request for Tenancy Approval must be signed by both the owner and Voucher holder. The owner must submit a “record deed” at the time the RFTA is submitted.

SNRHA will not permit the family to submit more than one RFTA at a time.

SNRHA will review the proposed lease and the Request for Approval of Tenancy documents to determine whether or not they are approvable. The Request will be approved if all of the following are true:

The unit is an eligible type of housing.

The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan).

The rent is reasonable.

The Security Deposit is approvable in accordance with any limitations in this plan.

The proposed lease complies with HUD and SNRHA requirements (See Section C).

The owner is approvable, and there are no conflicts of interest or the owner has not been debarred (See Section I).

In addition to the above, at the time a family initially receives assistance (new admissions and moves); the family share of rent may not exceed 40 percent of their monthly adjusted income.

### ***Disapproval of RFTA***

If SNRHA determines the request cannot be approved for any reason, the landlord and the family will be notified by phone or in writing.

When, for any reason, an RFTA is not approved, SNRHA will furnish another RFTA form to the family along with the notice of disapproval so the family can continue to search for eligible housing, if there is time remaining on the voucher.

### **9-I.C. OWNER PARTICIPATION**

SNRHA does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where SNRHA may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program. [24 CFR 982.306(e)]

See Chapter 13 for a full discussion of owner qualification to participate in the HCV program.

### **9-I.D. ELIGIBLE UNITS**

There are a number of criteria a dwelling unit must meet in order to be eligible for assistance under the voucher program. Generally, a family in possession of a voucher may choose any available rental dwelling unit on the market in SNRHA’s jurisdiction. This includes the dwelling unit they are currently occupying.



### **Ineligible Units [24 CFR 982.352(a)]**

SNRHA may not assist a unit under the voucher program if the unit is a public housing or Indian housing unit; a unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f); nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services; college or other school dormitories; units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions; a unit occupied by its owner or by a person with any interest in the unit.

### **SNRHA-Owned Units [24 CFR 982.352(b)]**

Otherwise eligible units owned or substantially controlled by SNRHA issuing the voucher may also be leased in the voucher program. In order for a SNRHA-owned unit to be leased under the voucher program, the unit must not be ineligible housing and SNRHA must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease and the family is free to select a SNRHA-owned unit without any pressure or steering by SNRHA.

#### SNRHA Policy

SNRHA does have eligible SNRHA-owned units available for leasing under the voucher program.

### **Special Housing Types [24 CFR 982 Subpart M]**

HUD regulations permit, but do not generally require, SNRHA to permit families to use voucher assistance in a number of special housing types in accordance with the specific requirements applicable to those programs. These special housing types include single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured home space (where the family owns the manufactured home and leases only the space), cooperative housing and homeownership option. See Chapter 15 for specific information and policies on any of these housing types SNRHA has chosen to allow.

The regulations do require SNRHA to permit use of any special housing type if needed as a reasonable accommodation so the program is readily accessible to and usable by persons with disabilities.

### **Duplicative Assistance [24 CFR 982.352(c)]**

A family may not receive the benefit of HCV tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

- Public or Indian housing assistance;
- Other Section 8 assistance (including other tenant-based assistance);
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);
- Section 101 rent supplements;



- Section 236 rental assistance payments;
- Tenant-based assistance under the HOME Program;
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
- Any local or State rent subsidy;
- Section 202 supportive housing for the elderly;
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

### **Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401]**

In order to be eligible, the dwelling unit must be in decent, safe and sanitary condition. This determination is made using HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD. See Chapter 8 for a full discussion of the HQS standards, as well as the process for HQS inspection at initial lease-up.

### **Unit Size**

In order to be eligible, the dwelling unit must be appropriate for the number of persons in the household. A family must be allowed to lease an otherwise acceptable dwelling unit with fewer bedrooms than the number of bedrooms stated on the voucher issued to the family, provided the unit meets the applicable HQS space requirements [24 CFR 982.402(d)]. The family must be allowed to lease an otherwise acceptable dwelling unit with more bedrooms than the number of bedrooms stated on the voucher issued to the family. See Chapter 7 for a full discussion of subsidy standards.

### **Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]**

In order to be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises. See Chapter 8 for a full discussion of rent reasonableness and the rent reasonableness determination process.

### **Rent Burden [24 CFR 982.508]**

Where a family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the dwelling unit rent must be at a level where the family's share of rent does not exceed 40 percent of the family's monthly adjusted income. See Chapter 5 for a discussion of calculation of gross rent, the use of payment standards, and calculation of family income, family share of rent and HAP.





## **9-I.E. LEASE AND TENANCY ADDENDUM**

The family and the owner must execute and enter into a written dwelling lease for the assisted unit. This written lease is a contract between the tenant family and the owner; SNRHA is not a party to this contract.

The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner [24 CFR 982.308(a)].

### **Lease Form and Tenancy Addendum [24 CFR 982.308]**

If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease is in such standard form.

All provisions in the HUD-required Tenancy Addendum must also be added word-for-word to the owner's standard lease form, for use with the assisted family. The Tenancy Addendum includes the tenancy requirements for the program and the composition of the household as approved by SNRHA. As a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner and the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

#### SNRHA Policy

SNRHA does not provide a model or standard dwelling lease for owners to use in the HCV program.

### **Lease Information [24 CFR 982.308(d)]**

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner
- 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. The owner and tenant must sign and date the lease

### **Term of Assisted Tenancy**

The initial term of the assisted dwelling lease must be for at least one (1) year [24 CFR 982.309]. The initial lease term is also stated in the HAP contract.

The HUD program regulations permit SNRHA to approve a shorter initial lease term if certain conditions are met.



### SNRHA Policy

SNRHA will not approve an initial lease term of less than one (1) year.

During the initial term of the lease, the owner may not raise the rent to tenant [24 CFR 982.309].

Any provisions for renewal of the dwelling lease will be stated in the dwelling lease [HCV Guidebook, pg. 8-22]. There are no HUD requirements regarding any renewal extension terms, except they must be in the dwelling lease if they exist.

SNRHA may execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC. [24 CFR 982.309(b)].

### **Security Deposit [24 CFR 982.313 (a) and (b)]**

The owner may collect a security deposit from the tenant. SNRHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

### SNRHA Policy

SNRHA will allow the owner to collect any security deposit amount the owner determines is appropriate as long as it does not exceed one month contract rent.

### **Separate Non-Lease Agreements between Owner and Tenant**

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner minus SNRHA's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

### SNRHA Policy

SNRHA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items are not included in the lease.

Any items, appliances, or other services customarily provided to unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit, must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited. Accepting side payments shall result in termination of the HAP Contract and termination of the family's assistance.

Any items, appliances, or other services not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling



unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements involving additional items, appliances, or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

### **SNRHA Review of Lease**

SNRHA will review the dwelling lease for compliance with all applicable requirements.

#### SNRHA Policy

If the dwelling lease is incomplete or incorrect, SNRHA will notify the family and the owner of the deficiencies. Missing and corrected lease information will only be accepted as hard copies, in-person, by mail, or by fax. SNRHA will not accept missing and corrected information over the phone. The lease must be signed by both parties and the effective date shall be the date the unit passes HQS inspection or the date the tenant takes possession after a passed HQS inspection (whichever is later). Possession shall be defined as having keys or access to keys (i.e. via a lock box).

Because the initial leasing process is time-sensitive, SNRHA will attempt to communicate with the owner and family by phone, fax, or email. SNRHA will use mail when the parties can't be reached by phone, fax, or email.

SNRHA is permitted, but is not required, to review the lease to determine if the lease complies with State and local law and is permitted to decline to approve the tenancy if SNRHA determines the lease does not comply with State or local law [24 CFR 982.308(c)]

#### SNRHA Policy

SNRHA will not review the owner's lease for compliance with state/local law but shall review to ensure the lease matches the RFTA and is in compliance with the HAP contract which requires content for appliances and utilities.

### **9-I.F. TENANCY APPROVAL [24 CFR 982.305]**

After receiving the family's Request for Tenancy Approval, with proposed dwelling lease, SNRHA must promptly notify the family and owner whether the assisted tenancy is approved.

Prior to approving the assisted tenancy and execution of a HAP contract, SNRHA must ensure all required actions and determinations, discussed in Part I of this chapter have been completed.

These actions include ensuring the unit is eligible; the unit has been inspected by SNRHA and meets the Housing Quality Standards (HQS); the lease offered by the owner is approvable and



includes the required Tenancy Addendum; the rent to be charged by the owner for the unit must be reasonable; where the family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]; the owner is an eligible owner, not disapproved by SNRHA, with no conflicts of interest [24 CFR 982.306]; the family and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information [24 CFR 982.305(b)].

### SNRHA Policy

SNRHA will complete its rent reasonable determination and schedule the initial inspection within ten (10) business days of receiving all required information, as long as the rent is reasonable and does not exceed the family's 40% threshold and the utilities are in service at the unit.

If the terms of the RFTA/proposed lease are changed for any reason, with the exception of negotiating rent, SNRHA will obtain corrected copies of the RFTA and proposed lease, signed by the family and the owner.

Corrections to the RFTA/proposed lease will only be accepted as hard copies, in-person, by mail, email, or by fax. SNRHA will not accept corrections over the phone.

If SNRHA determines the tenancy cannot be approved for any reason, the owner and the family will be notified and given the opportunity to address any reasons for disapproval. SNRHA will instruct the owner and family of the steps necessary to approve the tenancy.

Where the tenancy cannot be approved because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher. No RFTA will be accepted after the voucher expires without a prior extension.

If the tenancy cannot be not approved due to rent affordability (including rent burden and rent reasonableness), SNRHA will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the family must continue to search for eligible housing within the timeframe of the issued voucher.

### **9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305]**

The HAP contract is a written agreement between SNRHA and the owner of the dwelling unit occupied by a housing choice voucher assisted family. Under the HAP contract, SNRHA agrees to make housing assistance payments to the owner on behalf of a specific family occupying a specific unit and obliges the owner to comply with all program requirements.

The HAP contract format is prescribed by HUD.

If SNRHA has given approval for the family of the assisted tenancy, the owner and SNRHA execute the HAP contract.

The term of the HAP contract must be the same as the term of the lease [24 CFR 982.451(a)(2)].



SNRHA is permitted to execute a HAP contract even if the current funding availability does not extend for the full term of the HAP contract.

SNRHA must make a best effort to ensure the HAP contract is executed as soon as possible once the unit passes initial inspection. Regardless, the HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

SNRHA may not pay any housing assistance payment to the owner until the HAP contract has been executed. If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, SNRHA will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

Any HAP contract executed after the 60 day period is void, and SNRHA may not pay any housing assistance payment to the owner.

#### SNRHA Policy

The owner and the assisted family will execute the dwelling lease and the owner must provide a copy to SNRHA after the completion of the pass inspection.

The owner and SNRHA will execute the HAP contract. SNRHA will not execute a HAP contract until the owner has submitted an IRS form W-9. SNRHA will ensure the owner receives a copy of the executed HAP contract.

SNRHA shall accept electronic signatures on HAP contracts and transfer of ownership/management documents.

See Chapter 13 for a discussion of the HAP contract and contract provisions.

#### **9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308]**

If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give SNRHA a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of this chapter.

Generally, SNRHA approval of tenancy and execution of a new HAP contract are not required for changes in the lease. However, under certain circumstances, voucher assistance in the unit shall not be continued unless SNRHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner. These circumstances include:

- Changes in lease requirements governing tenant or owner responsibilities for utilities or appliances.
- Changes in lease provisions governing the term of the lease.
- The family moves to a new unit, even if the unit is in the same building or complex.

In these cases, if the HCV assistance is to continue, the family must submit a new Request for Tenancy Approval (RFTA) along with a new dwelling lease containing the altered terms. A new tenancy must then be approved in accordance with this chapter.



Where the owner is changing the amount of rent, the owner must notify SNRHA of any changes in the amount of the rent to owner at least 60 calendar days prior to the anniversary date of the HAP contract and the change must be approved by SNRHA before any such changes go into effect [24 CFR 982.308(g)(4)]. SNRHA will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards discussed in Chapter 8. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or give the family notice in accordance with the terms of the lease.

No rent increase is permitted during the initial term of the lease [24 CFR 982.309(a)(3)].

#### SNRHA Policy

Where the owner is requesting a rent increase, SNRHA will determine whether the requested increase is reasonable within 10 business days of receiving the request from the owner. The owner will be notified of the determination in writing.

Rent increases will go into effect on the first of the anniversary month of the HAP contract.

#### ***DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]***

In any of the programs if the proposed Gross Rent is not reasonable, at the family's request, SNRHA will negotiate with the owner to reduce the rent to a reasonable rent.

At the family's request, SNRHA will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner and receiving written verification of the decrease, SNRHA will continue processing the Request for Approval of Tenancy and Lease. If the revised rent involves a change in the provision of utilities, a new Request for Approval of Tenancy must be submitted by the owner.

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

#### ***INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]***

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

SNRHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

SNRHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.



A statement of SNRHA's policy on release of information to prospective landlords will be included in the briefing packet, which is provided to the family.

The information will be provided to the owner in writing.

Only a designated Housing Choice Voucher representative may provide this information. SNRHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

***OWNER DISAPPROVAL [24 CFR 982.306]***

See Chapter on "Owner Disapproval and Restriction

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

When the family reports changes in factors affecting the Total Family Share prior to the effective date of the HAP contract at admission, the information will be verified and the Total Family Share will be recalculated. If the family does not report any change, SNRHA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 calendar days old.

***CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)] States here that Supervisors or higher supervisory to execute a contract***

SNRHA prepares the Housing Assistance Contract and lease for execution. The family and the owner will execute the Lease agreement, and the owner and SNRHA will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. SNRHA will retain a copy of all signed documents.

SNRHA makes every effort to execute the HAP Contract immediately after receiving all required documentation, signed by all parties. The HAP Contract may not be executed more than 60 calendar days after commencement of the lease term and no payments will be made until the contract is executed. The effective date of the HAP contract must match the effective date of the lease and the date will be the later of the date the units passes an initial HQS inspection or the tenant takes possession of the unit.

The Housing Choice Voucher Supervisor, or higher supervisory position on the organization chart, is authorized to execute a contract on behalf of SNRHA: States here that Supervisors or higher supervisory to execute the contract

If families lease properties owned by relatives, other than those prohibited under HUD regulations, the owner must have a different address than the assisted unit. Failure to notify SNRHA in writing of change of addresses may result in placing the vendor's direct deposit of HAP assistance on hold until such information is provided. SNRHA is required by law to provide all vendors with a 1099 each January and cannot comply with this federal law without updated addresses.

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. SNRHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.



Owners must provide an Employer Identification Number or Social Security Number on IRS Form W-9.

Owners must also submit proof of ownership of the property by submitting a recorded copy of Grant Deed and a copy of the Management Agreement if the property is managed by a management agent.

The owner must provide a home telephone number and business number if applicable.

*Foreign owners must provide a completed W8-ECI form.*

### ***LATE PAYMENT PENALTIES***

See Chapter on “Owner Disapproval and Restriction.”

To assist SNRHA in its outreach efforts to owners, and to provide better customer service, SNRHA will make automatic monthly HAP deposits into the bank account of the owner. If the owner agrees to such an arrangement with SNRHA, the date the bank shows as the deposit date, will be the official payment date of record and will be the determining factor in cases involving late payment penalties. SNRHA will not make late payments due to direct deposits being posted by the vendors financial institution late, but were transmitted by SNRHA on the correct date. For example, when the first (1<sup>st</sup>) or the 15<sup>th</sup> falls on a Saturday or Holiday and the banks post the deposit on the next business day.

SNRHA will not be obligated to pay any late payment penalty if HUD determines late payment is due to factors beyond SNRHA’s control, such as a delay in the receipt of program funds from HUD. SNRHA will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

### **Extensions of Tenancy after Initial Notice to Vacate:**

If a family should request to extend tenancy beyond the initial date of vacate approved by the participant and owner/agent, both parties must sign a written extension of the vacate date and submit this document to SNRHA. The document must include a new vacate date and the tenancy may not extend beyond the expiration date of the issued voucher. Only one (1) extension will be granted by SNRHA to extend the vacate date. The participant must be occupying the unit during the time of extension request.





## Chapter 10

### MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

#### INTRODUCTION

Freedom of choice is a hallmark of the housing choice voucher (HCV) program. HUD regulations permit families to move with continued assistance to another unit within SNRHA's jurisdiction, or to a unit outside of SNRHA's jurisdiction under Portability procedures. The regulations also allow SNRHA the discretion to develop policies which define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, SNRHA's jurisdiction, and the policies for restriction and limitations on moves.

Part I: Moving with Continued Assistance. This part covers the general rules which apply to all moves by a family assisted under SNRHA's HCV program, whether the family moves to another unit within SNRHA's jurisdiction or to a unit outside SNRHA's jurisdiction under portability.

Part II: Portability. This part covers the special rules which apply to moves by a family under portability, whether the family moves out of or into SNRHA's jurisdiction. This part also covers the special responsibilities SNRHA has under portability regulations and procedures.

#### PART I: MOVING WITH CONTINUED ASSISTANCE

##### 10-I.A. ALLOWABLE MOVES

HUD lists five regulatory conditions and the statutory condition under VAWA in which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

- The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.314(b)(3)]. If the family terminates the lease on notice to the owner, the family must give SNRHA a copy of the notice at the same time [24 CFR 982.314(d)(1)]. SNRHA requires the family to provide staff with a signed Vacate Notice (60 days when the participant has a lease within a tax credit property).
- The Violence Against Women Reauthorization Act of 2005 provides "a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault, 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" [Pub.L. 109-162]



- The lease for the family’s unit has been terminated by mutual agreement of the owner and the family after the first year of the lease. [24 CFR 982.314(b)(1)(ii)].

### SNRHA Policy

If the family and the owner mutually agree to terminate the lease for the family’s unit after the first year of the lease, SNRHA must be provided a valid vacate notice.. Mutual Recisions will only be allowed for a reasonable accommodation for a disabled family and SNRHA must receive written third party verification of the need to relocate from a qualified professional provider. The manager/owner must also agree with this move if during the first year of the lease after SNRHA 504 Officer approves the accommodation. VAWA moves are also covered with Mutual Recisions. Bifurcation of the lease is required by law for VAWA participants. Additionally, the person who is the “documented” victim of the violence, even if they are not the head (meaning they are co-head), shall receive the voucher if the family is spilt as a result of a VAWA action. The person shall be terminated who commits the violent act shall be removed from the household by termination from the program. Only one voucher shall be issued.

- SNRHA has terminated the HAP contract for the family’s unit for the owner’s breach [24 CFR 982.354(b)(1)(i)].
- SNRHA determines the family’s current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, SNRHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, SNRHA must terminate the HAP contract for the family’s old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which SNRHA gives notice to the owner. [24 CFR 982.403(a) and (c)]
- The participant has been evicted by the courts.
- In compliance with 24CFR 982.311 (2), SNRHA shall allow overlapping HAP payments when a participant family moves from an assisted unit with continued assistance. The term of the assisted lease for the new unit may begin during the month family moves out of the first assisted unit. Overlapping of the last HAP payment for the month when the family moves out of the old unit and the first assistance payment for the new unit, is not considered to constitute a duplicate housing subsidy.

### **10-I.B. RESTRICTIONS ON MOVES**

A family’s right to move is generally contingent upon the family’s compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which a SNRHA may deny a family permission to move and two ways in which a SNRHA may restrict moves by a family.



## **Denial of Moves**

HUD regulations permit SNRHA to deny a family permission to move under the following conditions:

### ***Insufficient Funding***

SNRHA may deny a family permission to move if SNRHA does not have sufficient funding for continued assistance [24 CFR 982.354(e)(1)].

#### **SNRHA Policy**

SNRHA will deny a family permission to move on grounds SNRHA does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or SNRHA; (b) SNRHA can demonstrate the move will, in fact, result in higher subsidy costs; and (c) SNRHA can demonstrate the move would result in the termination of other participants during the calendar years due to lack of HAP funds include HAP reserves. If this occurs, SNRHA must provide written notification to the

local HUD Office when it determines it is necessary to deny moves to a higher cost unit based on insufficient funding. The notification must include the following documentation:

1. A financial analysis demonstrating insufficient funds are projected to meet the current calendar year projections of expenses. The projection must not include vouchers issued but are yet under contract.
2. A statement certifying the PHA has ceased issuing vouchers and will not admit families from their waiting list while the limitations on moves to a higher cost unit is in place.
3. A copy of the PHA's policy stating how the PHA will address families who have been denied moves. The requirements of the policy are described below.

For moves within SNRHA's jurisdiction, a "higher cost unit" is defined as a unit in which the PHA would have to pay a higher subsidy amount due to an increase in the gross rent for the new unit. This policy applies to moves within SNRHA's jurisdiction as well as to moves outside its jurisdiction under portability.

### ***Repayment Agreements***

SNRHA shall deny moves under portability if the participant owes a debt to SNRHA, even if they are under a repayment agreement, unless the balance is paid in full prior to the voucher being issued and portability documents being submitted to the receiving PHA unless the participant is moving under VAWA or Reasonable Accommodation.

### ***Grounds for Denial or Termination of Assistance***

SNRHA has grounds for denying or terminating the family's assistance [24 CFR 982.314(e)(2)]. VAWA creates an exception to these restrictions for families who are otherwise in compliance with program obligations, but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and who



reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit. [Pub.L. 109-162]

### SNRHA Policy

If SNRHA has grounds for denying or terminating a family's assistance, SNRHA will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively.

SNRHA will grant a family permission to move if SNRHA has no grounds to deny or terminate the family's assistance for program violations, (a thorough definition of program violations can be found in the Administrative Plan). Further definition of a family's obligations include:

Family has provided a copy of the Vacate Notice, submitted to and signed by the current landlord. If the owner refuses to sign, the family shall mail a certified notice to the owner and provide a record to SNRHA. The family may not send a certified mailing prior to first attempting to contact the owner/agent.

The family has not received a notice of cancellation from the Housing Authority.

However, in addition, if the calculations reveal the subsidy amount to be paid to the new owner on behalf of the family would be zero AND the family has been zero to HAP for six consecutive months prior to the effective date of the new contract, SNRHA would not render any assistance should the family proceed with the move.

### **Restrictions on Elective Moves [24 CFR 982.354(c)]**

HUD regulations permit SNRHA to prohibit any elective move by a participant family during the family's initial lease term. They also permit SNRHA to prohibit more than one elective move by a participant family during any 12-month period.

### SNRHA Policy

SNRHA will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within or outside of SNRHA's jurisdiction.

SNRHA will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in SNRHA's jurisdiction.

SNRHA will consider exceptions to these policies for the following reasons:

To protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence).

The unit becomes in violation of HQS and the contract is terminated as a result of said violations;

Due to the sale of the unit and if the new owner does not wish to continue the contract; (unless the new owner request to continue the HAP and signs the required forms) or the unit was foreclosed, in which case Nevada laws and HUD regulations come into play.



SNRHA receives a written statement from the District Attorney's Office verifying the participant has been placed under the witness protection or victim protection program;

Mutual rescissions will be allowed for elderly and disabled families in which the owner/manager approves the move by signing a mutual rescission form. After SNRHA approves the mutual rescission, the participant will be issued a voucher. Mutual Rescissions will also be allowed as a Reasonable Accommodation for a disabled family. Owners or managers who have leases with HCV participants (who are approved Occupancy Right clients) must bifurcate the lease in compliance with Federal law.

- The family must provide a written valid Vacate Notice to the property owner/agent and SNRHA prior to moving from the unit. Failure to provide to both parties and receive approval from SNRHA prior to moving will lead to termination of their assistance;
- The owner has given the family a Vacate Notice, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family. If SNRHA receives a judgment which is not paid within the required timeframe or a summary of eviction, the family shall be terminated from the program even if they have moved to another unit.
- The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner) for owner breach of contract.

## **10-I.C. MOVING PROCESS**

### **Notification**

If a family wishes to move to a new unit, the family must notify SNRHA and the owner before moving out of the assisted unit or terminating the lease on notice to the owner [24 CFR 982.354(d)(2)]. If the family wishes to move to a unit outside SNRHA's jurisdiction under portability, the notice to SNRHA must specify the area where the family wishes to move [24 CFR 982.354(d)(2)2016-09]. The notices must be in writing [24 CFR 982.5].

### **Approval**

#### SNRHA Policy

Upon receipt of a family's notification they wish to move, SNRHA will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. SNRHA will schedule an appointment with the family to come in to receive a moving packet or complete port out documents. SNRHA shall require families to provide a signed SNRHA Vacate Notice which is signed by the family and owner/manager. If the owner refuses to sign the Vacate Notice (60 days for tax credit properties) Intent Form and the participant has completed the first year of the lease and has not signed a new lease for an additional year, the participant shall send the notice via certified mail and provide staff with a copy of proof of mailing before a moving voucher can be issued. The Vacate Notice must be signed and dated by both parties with an effective date. An extension of this notice must also be signed and dated by both parties and submitted to SNRHA.



## **Reexamination of Family Income and Composition**

### SNRHA Policy

For families approved to move to a new unit within SNRHA's jurisdiction, SNRHA will perform a new annual reexamination in accordance with the policies set forth in Chapter 11 of this plan. However, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit until those processes are completed. The PHA may take subsequent action (e.g., recalculating the HAP payment based on updated income information; terminating the family's participation in the program due to criminal background or failing to disclose necessary information) against the family based on the results.

## **Voucher Issuance and Briefing**

### SNRHA Policy

Families approved to move to a new unit within SNRHA's jurisdiction, SNRHA will issue a new voucher within 10 calendar days of SNRHA's written approval to move. No briefing is required for these families. However, staff will remind them of move requirements when the voucher is issued to move. SNRHA will follow the policies set forth in Chapter 7 on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and SNRHA approves. Otherwise, the family will lose its assistance.

For families moving into or families approved to move out of the SNRHA's jurisdiction under portability, SNRHA will follow the policies set forth in Part II of this chapter.

## **Housing Assistance Payments [24 CFR 982.311(d)]**

When a family moves out of an assisted unit, SNRHA may not make any housing assistance payment to the owner for any month **after** the month the family moves out.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the lease for the new unit may begin during the month the family moves out of the previous unit. Overlap of the housing assistance payment (for the previous unit and the new unit) is not considered to constitute a duplicative housing subsidy.

## ***Notice Requirements***

Briefing sessions emphasize the family's responsibility to give the owner and SNRHA proper written notice of any intent to move.

The family must give the owner the required number of days' notice of their intent to vacate as specified in the lease in writing or a written notice when not specified in the lease. The family must give a copy to SNRHA simultaneously utilizing SNRHA's "Vacate Notice." This notice must be signed by both parties; or if the owner refuses to sign, the participant can provide SNRHA proof of their attempts to notify their owner by submitting a copy of their mailed Vacate Notice and a



copy of their certified mail receipt. Therefore, the family must be otherwise eligible to move and a moving voucher will be issued.

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move.

### **Zero HAP Families Who Wish to Move [24 CFR 982.455]**

A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. SNRHA shall issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if SNRHA determines no subsidy would be paid at the new unit, SNRHA may refuse to enter into a HAP contract on behalf of the family.

### SNRHA Policy

If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, SNRHA will not enter into a HAP contract on behalf of the family for the new unit.

## **PART II: PORTABILITY**

### **10-II.A. OVERVIEW**

Within the limitations of the regulations and this plan, a participant family or an applicant family issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another

PHA is known as portability. The first PHA is called the **initial PHA**. The second is called the **receiving PHA**.

The receiving PHA has the option of administering the family's voucher for the initial PHA or absorbing the family into its own program. Under the first option, the receiving PHA bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher. Under the second option, the receiving PHA pays for the family's assistance out of its own program funds, and the initial PHA has no further relationship with the family.

The same PHA commonly acts as the initial PHA for some families and as the receiving PHA for others. Each role involves different responsibilities. The PHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

In administering portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required forms [24 CFR 982.355(e)(5)].



PHAs must also comply with billing and payment deadlines, HUD may reduce an administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements [24 CFR 982.355 (e)(7)].

SNRHA shall not deny a victim of domestic violence eligible under VAWA the access to portability.

According to HUD Final Rule on Streamlining Portability, published March 28, 2012, and revised August 20, 2015 (effective September 21, 2015); the following applies to the entire HCV program and is not limited to families exercising portability:

**Mandatory Voucher Suspension:** The rule requires suspension or “tolling” of the voucher term upon a family’s submission of a Request for Tenancy Approval (RFTA.) Under the current rule, suspension is optional. The mandatory suspension begins when the family submits the RFTA and ends when the family is notified in writing of the denial of the tenancy by using the Notice of Cancellation of RFTA form.

**Briefing Requirements:** The final rule requires the benefits of living in low-poverty census tracts must be explained to all families, including those who currently live in higher poverty areas. The required explanation of how portability works must now be given to all families, not just those who are eligible to exercise portability on initial voucher issuance.

HUD’s Final Rule indicates the major changes to existing portability requirements and processes include:

**Notification of Insufficient Funding:** The rule adds a requirement that PHA’s must notify the HUD field office within 10 business days of denying a move under portability due to insufficient funding.

**Voucher Term:** The voucher issued by the Receiving PHA (RHA) must have an expiration date at least 30 days after the expiration date of the voucher issued by the Initial PHA (IHA.) While the RHA may provide additional search time according to its existing policies, the billing deadline of 90 days after the expiration of the IHA’s voucher remains in effect.

**Administrative Fees:** The final rule provides the administrative fee for portability is the lesser of 80 percent of the IHA’s administrative fee (prorated if applicable) or 100 percent of the RHA’s administrative fee. In no event will the RHA receive more than its own administrative fee.

**Rescreening:** The preamble to the rule states RHAs “should be allowed” to apply their own screening standards to incoming portable families, and information on how rescreening may affect a family’s assistance should be included in the briefing packet. HUD did not make any regulatory changes supporting this guidance. SNRHA shall rescreen all incoming portability clients in accordance with its screening Policies.

## 10-II.B. INITIAL PHA ROLE

### Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one (1) PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one (1) PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs





serving the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family (24 CFR 982.255(b)).

Applicant families issued vouchers as well as participant families may qualify to lease a unit outside SNRHA's jurisdiction under portability. The initial PHA, in accordance with HUD regulations and PHA policy, determines whether a family qualifies.

### ***Applicant Families***

Under HUD regulations, most applicant families qualify to lease a unit outside the PHA's jurisdiction under portability. However, HUD gives SNRHA discretion to deny a portability move by an applicant family for the same two reasons it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If a PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA must notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

#### SNRHA Policy

In determining whether or not to deny an applicant family permission to move under portability because SNRHA lacks sufficient funding or has grounds for denying assistance to the family, SNRHA will follow the policies established in section 10-I.B of this chapter. If the PHA does deny the move due to insufficient funding, the PHA will notify HUD in writing within 10 business days of the PHA's determination to deny the move.

In addition, SNRHA may establish a policy denying the right of portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

#### SNRHA Policy

If neither the head of household nor the spouse/co-head of an applicant family had a domicile (legal residence) in SNRHA's jurisdiction at the time the family's application for assistance was submitted, the family must live in SNRHA's jurisdiction with voucher assistance for at least 12 months before requesting portability.

SNRHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2).

### ***Participant Families***

The Initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. VAWA creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit.

#### SNRHA Policy

SNRHA will determine whether a participant family may move out of SNRHA's jurisdiction with continued assistance in accordance with the regulations and policies set



forth here and in sections 10-I.A and 10-I.B of this chapter. SNRHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

### **Determining Income Eligibility**

#### ***Applicant Families***

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(3)]. The family must specify the area to which the family wishes to move [PIH Notice 2016-09, 24 CFR 982.355(c)(1)].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.353(d)(1), 24CFR 982.355 (9)]. If the applicant family is not income eligible in that area, the PHA must inform the family they may not move with continued assistance [PIH Notice 2016-092016-09].

#### ***Participant Families***

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2)].

### **Reexamination of Family Income and Composition**

No new reexamination of family income and composition is required for an applicant family.

#### **SNRHA Policy**

For a participant family approved to move out of its jurisdiction under portability, SNRHA generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

SNRHA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

SNRHA shall inform the receiving PHA of the incoming port family and confirm if they are absorbing or billing and shall send all required documents including an EIV. The EIV shall be sent in a confidential envelop.

### **Briefing**

The regulations and policies on briefings set forth in Chapter 7 of this plan require SNRHA to provide information on portability to all applicant families qualifying to lease a unit outside SNRHA's jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

#### **SNRHA Policy**

No formal briefing will be required for a participant family wishing to move outside SNRHA's jurisdiction under portability. However, SNRHA will provide the family with



the same oral and written explanation of portability it provides to applicant families selected for admission to the program (see Chapter 7).

SNRHA will provide the name, address, and phone of the contact for the PHA in the jurisdiction to which they wish to move. If there is more than one (1) PHA with jurisdiction over the area to which the family wishes to move, the PHA will advise the family that the family must select the receiving PHA and notify the initial PHA of which receiving PHA was selected.

SNRHA will advise the family they will be under the RHA's policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

### **Voucher Issuance and Term**

An applicant family has no right to portability until after the family has been issued a voucher [24 CFR 982.353(b)]. In issuing vouchers to applicant families, SNRHA will follow the regulations and procedures set forth in Chapter 7. A new voucher is not required for portability purposes.

#### SNRHA Policy

For families approved to move under portability, SNRHA will issue a new voucher within 10 calendar days of SNRHA's receiving a Vacate or other written notice which is approvable to port out.

The term of the voucher will be 120 calendar days.

If the family moving under portability is living in a unit where HAP has been abated because of the failure to complete the HQS repairs, or the client previously vacated their unit due to unsafe condition, the voucher issuance date will be the effective date of that action.

### **Voucher Extensions and Expiration**

#### SNRHA Policy

SNRHA will **not approve** extensions of a voucher issued to an applicant or a participant's family porting out of SNRHA's jurisdiction except under the following circumstances: (a) the family decides to return to the initial PHA's jurisdiction and search for a unit there and their voucher has not expired, or (b) the family decides to search for a unit in a third PHA's jurisdiction and their voucher has not expired. In such cases, the policies on voucher extensions set forth in Chapter 7, section 7-II.E, of this plan will apply, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

To receive or continue receiving assistance under the initial PHA's voucher program, a family moving to another PHA's jurisdiction under portability must be under HAP contract in the receiving PHA's jurisdiction within 90 calendar days following the expiration date of the initial PHA's voucher term (including any extensions). (See below under "Initial Billing Deadline" for one exception to this policy.)



## **Initial Contact with the Receiving PHA**

After approving a family's request to move under portability, the initial PHA must promptly notify the receiving PHA via email or other confirmed delivery method to expect the family [24 CFR 982.355(c)(3), 24 CFR 9682.355(c)(7)]. The initial PHA must also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(6)].

### SNRHA Policy

Because the portability process is time-sensitive, SNRHA will notify the receiving PHA by fax to expect the family. The initial PHA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, fax, email and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. SNRHA will pass this information along to the family. SNRHA will also ask for the name, address, telephone number, fax and email of the person responsible for processing the billing information.

## **Sending Documentation to the Receiving PHA**

SNRHA is required to send the receiving PHA the following documents:

- Form HUD-52665, Family Portability Information, with Part I filled out [Notice PIH 2016-09]
- A copy of the family's voucher [Notice PIH 2016-09]
- A copy of the family's most recent form HUD-50058, Family Report, or, if necessary in the case of an applicant family, family and income information in a format similar to that of form HUD-50058 [24 CFR 982.355(c)(7), Notice PIH 2016-09]
- Copies of the income verifications backing up the form HUD-50058 [24 CFR 982.355(c)(7), Notice PIH 2016-09] and EIV printout in a confidential envelop.
- Notification to confirm if the PHA is billing or absorbing.

### SNRHA Policy

In addition to these documents, SNRHA will provide the following information, if available, to the receiving PHA:

- Last EIV print out
- Social security numbers (SSNs)
- Documentation of SSNs for all family members
- Documentation of legal identity
- Documentation of citizenship or eligible immigration status
- Documentation of participation in the earned income disallowance (EID) benefit
- Documentation of participation in a family self-sufficiency (FSS) program

SNRHA will notify the family in writing regarding any information provided to the receiving PHA [HCV GB, p. 13-3].



### **Initial Billing Deadline [Notice PIH 2016-09, Letter to Executive Directors 9-15-15]**

The deadline for submission of initial billing is 90 calendar days following the expiration date of the voucher issued to the family by the initial PHA. If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must contact the receiving PHA to determine the status of the family. If the receiving PHA reports the family is not yet under HAP contract, the initial PHA may refuse to accept a late billing submission. If the receiving PHA reports the family is under HAP contract and the receiving PHA cannot absorb the family, the initial PHA must accept a late billing submission; however, it may report to HUD the receiving PHA's failure to comply with the deadline.

#### SNRHA Policy

If SNRHA has not received an initial billing notice from the receiving PHA within 90 days of expiration of the IHA's voucher, it will contact the receiving PHA via by phone, fax, or e-mail. If the PHA reports the family is not yet under HAP contract, the PHA will inform the receiving PHA that it will not honor a late billing submission and will return any subsequent billings it receives on behalf of the family. SNRHA will send the receiving PHA a written confirmation of its decision by mail.

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

### **Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2016-09]**

If the receiving PHA is administering the family's voucher, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. When reimbursing for administrative fees, the initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill [24 CFR 982.355(e)(2)].

The initial PHA is responsible for making billing payments in a timely manner. The first billing amount is due within 30 calendar days after the initial PHA receives Part II of form HUD-52665 from the receiving PHA. Subsequent payments must be **received** by the receiving PHA no later than the fifth business day of each month. The payments must be provided in a form and manner the receiving PHA is able and willing to accept.

The initial PHA may not terminate or delay making payments under existing portability billing arrangements as a result of over-leasing or funding shortfalls. The PHA must manage its tenant-based program in a manner that ensures it has the financial ability to provide assistance for families moving out of its jurisdiction under portability and are not absorbed by receiving PHAs as well as for families remaining within its jurisdiction.

#### SNRHA Policy



SNRHA will mail monthly checks to make payments unless the receiving PHA notifies SNRHA of their direct deposit information.

### **Annual Updates of Form HUD-50058**

If SNRHA is being billed on behalf of a portable family, it should receive an updated form the HUD form-50058 each year from the receiving PHA. If SNRHA fails to receive an updated 50058 by the family's annual reexamination date, the initial PHA should contact the receiving PHA to verify the status of the family.

### **Subsequent Family Moves**

#### ***Within the Receiving PHA's Jurisdiction [24 CFR 314(e)(1), Notice PIH 2005-1]***

The initial PHA has the authority to deny subsequent moves by portable families whom it is assisting under portability billing arrangements if it does not have sufficient funding for continued assistance.

#### **SNRHA Policy**

If SNRHA determines it must deny moves on the grounds it lacks sufficient funding (see section 10-I.B), it will notify all receiving PHAs with which it has entered into portability billing arrangements that they, too, must deny moves to higher cost units by portable families from SNRHA's jurisdiction.

SNRHA will allow exceptions to this policy for purposes of reasonable accommodation of a family member who is a person with disabilities.

#### ***Outside the Receiving PHA's Jurisdiction [Notice PIH 2016-09]***

If the initial PHA is assisting a portable family under a billing arrangement and the family subsequently decides to move out of the receiving PHA's jurisdiction, the initial PHA is responsible for issuing the family a voucher while the family is either being assisted or has a voucher from the receiving PHA and, if the family wishes to port to another jurisdiction, sending form HUD-52665 and supporting documentation to the new receiving PHA. Any extensions of the initial PHA voucher necessary to allow the family additional search-time to return to the initial PHA's jurisdiction or to move to another jurisdiction would be at the discretion of the initial PHA.

#### **Denial or Termination of Assistance [24 CFR 982.355(c)(17)]**

At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. (For SNRHA policies on denial and termination, see Chapters 3 and 12, respectively.)

### **10-II.C. RECEIVING PHA ROLE**

If a family has a right to lease a unit in the receiving PHA's jurisdiction under portability, the receiving PHA must provide assistance for the family [24 CFR 982.355(10)]. HUD may determine in certain instances a PHA is not required to accept incoming portable families,



such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families [24 CFR 982.355(b)].

Administration of the voucher must be in accordance with the receiving PHA's policies. This requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used [24 CFR 982.355(c)(10)].

The family's unit, or voucher, size is determined in accordance with the subsidy standards of the receiving PHA [24 CFR 982.355(c)(12)], and the receiving PHA's policies on extensions of the voucher term apply [24 CFR 982.355 (c)(14)].

### **Responding to Initial PHA's Request [24 CFR 982.355(c)]**

The receiving PHA must respond via e-mail or other confirmed delivery method to the initial PHA's inquiry to determine whether the family's voucher will be billed or absorbed [(24 CFR 982.355(c)(3)]. If the receiving PHA informs the initial PHA that it will be absorbing the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA (24 CFR 982.355(c)(4).[Notice PIH 2016-09].

#### SNRHA Policy

SNRHA will use e-mail, when possible, to notify the initial PHA whether it will administer or absorb the family's voucher.

### **Initial Contact with Family**

When a family moves into SNRHA's jurisdiction under portability, the family is responsible for promptly contacting SNRHA and complying with SNRHA's procedures for incoming portable families. The family's failure to comply may result in denial or termination of the receiving PHA's voucher [24 CFR 982.355 (c)(8)].

If the voucher issued to the family by the initial PHA has expired, the receiving PHA must contact the initial PHA to determine if it will extend the voucher [24 CFR 982.355 (c)(13)]. An informal hearing is not required when a voucher has expired without the family leasing a unit.

When a portable family requests assistance from SNRHA, SNRHA must promptly inform the initial PHA whether SNRHA will bill the initial PHA for assistance on behalf of the portable family or will absorb the family into its own program [24 CFR 982.355(c)(5)]. If SNRHA initially bills the initial PHA for the family's assistance, it may later decide to absorb the family into its own program [Notice PIH 2016-09]. (See later under "Absorbing a Portable Family" for more on this topic.)

#### SNRHA Policy

SNRHA will notify the initial PHA whether it intends to bill the receiving PHA on behalf of the portable family or absorb the family into its own program. SNRHA will absorb all incoming FSS Portability Participants, if funding is available (See Chapter 18 – Family Self Sufficiency).



If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2016-09]. (For more on this topic, see later under “Denial or Termination of Assistance.”)

### **Briefing**

HUD allows SNRHA to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family’s search [Notice PIH 2016-09].

#### SNRHA Policy

SNRHA will schedule the family to attend a briefing. SNRHA will provide the family with a briefing packet (as described in Chapter 7) and will orally inform the family about the PHA’s payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process.

SNRHA will allow a one-on-one (1-on-1) briefing as a reasonable accommodation which must be requested in writing from the applicant/participant and approved by SNRHA’s HP management. This also applies for clients needing LEP for languages other than a language provided by staff at general briefings.

### **Income Eligibility [PIH Notice 2016-09]**

SNRHA does not redetermine eligibility for a portable family already receiving assistance in the initial PHA’s voucher program [24 CFR 982.355(c)(9)]. If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit [24 CFR 982.355(c)(11)].

#### SNRHA Policy

For any family moving into its jurisdiction under portability, SNRHA will not conduct a new reexamination of family income and composition. However, SNRHA will not delay issuing the family a voucher for this reason. Nor will SNRHA delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and SNRHA cannot otherwise confirm the family is income eligible for admission to the program in the area where the unit is located.

SNRHA will rely upon any verification provided by the initial PHA to the extent they (a) accurately reflect the family’s current circumstances and (b) were obtained within the last 120 calendar days. Any new information may be verified by documents provided by the family and adjusted, if necessary, when third-party verification is received. Criminal screening will be conducted but shall not delay the lease-up process of port-ins.





## **Voucher Issuance**

When a family moves into its jurisdiction under portability, SNRHA is required to issue the family a voucher [24 CFR 982.355(c)(613)]. The family must submit a request for tenancy approval to SNRHA during the term of the receiving PHA's voucher [24 CFR 982.355(c)(15)].

### ***Timing of Voucher Issuance***

HUD expects the receiving PHA issue the voucher within two weeks after receiving the family's paperwork from the initial PHA if the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA's procedures [Notice PIH 2016-09].

#### SNRHA Policy

When family ports into its jurisdiction, SNRHA will issue the family a voucher based on the paperwork provided by the initial PHA unless the family's paperwork from the initial PHA is incomplete, the family's voucher from the initial PHA has expired or the family does not comply with SNRHA's procedures. SNRHA will update the family's information when verification has been completed.

### ***Voucher Term***

The term of SNRHA's voucher may not expire before 30 calendar days from the expiration date of the initial PHA's voucher [24 CFR 982.355(c)(13)].

#### SNRHA Policy

SNRHA's voucher will expire 30 calendar days from the expiration date of the initial PHA's voucher.

### ***Voucher Extensions [24 CFR 982.355(c)(14), Notice 2016-09]***

Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply. The receiving PHA must inform the initial PHA of any extension granted to the term of the voucher. It must also bear in mind the billing deadline provided by the initial PHA. Unless willing and able to absorb the family, SNRHA should ensure any voucher expiration date would leave sufficient time to process a request for tenancy approval, execute a HAP contract, and deliver the initial billing to the initial PHA.

#### SNRHA Policy

SNRHA generally will not extend the term of the voucher it issues to an incoming portable family unless the PHA plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 7-II.E.

SNRHA will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).

### ***Voucher Suspensions [24 CFR 982.303, 24 CFR 982.355(c)(15)]***

If the family submits a request for tenancy approval during the term of the receiving PHA's



voucher, the PHA must suspend the term of that voucher. The term of the voucher stops from the date the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied [24 CFR 982.4(b)] (see Section 7-II.E).

### **Notifying the Initial PHA**

SNRHA must promptly notify the initial PHA 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 receiving PHA's voucher [24 CFR 982.355(c)(8)]. SNRHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [Notice PIH 2016-09]. (For more on this topic and the deadline for notification, see below under "Administering a Portable Family's Voucher.")

If an incoming portable family ultimately decides not to lease in the jurisdiction of SNRHA but instead wishes to return to the initial PHA's jurisdiction or to search in another jurisdiction, SNRHA must refer the family back to the initial PHA. In such a case the voucher of record for the family is once again the voucher originally issued by the initial PHA. Any extension of search time provided by SNRHA's voucher is only valid for the family's search in SNRHA's jurisdiction. [Notice PIH 2016-09]

### **Administering a Portable Family's Voucher**

#### ***Portability Billing [24 CFR 982.355(e)]***

To cover assistance for a portable family not absorbed, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. The amount of the housing assistance payment for a portable family in the receiving PHA's program is determined in the same manner as for other families in the receiving PHA's program.

The receiving PHA may bill the initial PHA for the lesser of 80 percent of the initial PHA's ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill (i.e., the receiving PHA may bill for the lesser of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee).

If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

#### **SNRHA Policy**

Unless the PHA negotiates a different amount of reimbursement with the initial PHA, the PHA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.



### ***Initial Billing Deadline***

If a portable family's search for a unit is successful and SNRHA intends to administer the family's voucher, SNRHA must submit its initial billing notice (Part II of form HUD-52665) (a) no later than 10 business days following the date the receiving PHA **executes** a HAP contract on behalf of the family **and** (b) in time that the notice will be **received** no later than 90 calendar days following the expiration date of the family's voucher issued by the initial PHA [Notice PIH 2016-09.] A copy of the family's form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. SNRHA may send these documents by mail, fax or e-mail.

#### SNRHA Policy

SNRHA will send its initial billing notice by fax or e-mail, if necessary, to meet the billing deadline.

If SNRHA fails to send the initial billing within 10 business days following the date the HAP contract is executed, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor the late submission (e.g., because SNRHA is over leased) [Notice PIH 2016-09].

### ***Ongoing Notification Responsibilities [Notice PIH 2016-09, HUD-52665]***

**Annual Reexamination.** SNRHA must send the initial PHA a copy of a portable family's updated form HUD-50058 after each annual reexamination for the duration of time SNRHA is billing the initial PHA on behalf of the family, regardless of whether there is a change in the billing amount.

#### SNRHA Policy

SNRHA will send a copy of the updated HUD-50058 and HUD-52665 by regular mail, email, or fax no later than ten (10) business days after the effective date of the reexamination.

**Change in Billing Amount.** SNRHA is required to notify the initial PHA, using form the HUD Form -52665, of any change in the billing amount for the family as a result of:

- A change in the HAP amount (because of a reexamination, a change in the applicable payment standard, a move to another unit, etc.)
- An abatement or subsequent resumption of the HAP payments
- Termination of the HAP contract
- Payment of a damage/vacancy loss claim for the family
- Termination of the family from the program

The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family in order to provide the initial PHA with advance notice of the change. Under no circumstances should the notification be later than 10 business days following the effective date of the change in the billing amount.



### ***Late Payments [Notice PIH 2016-09]***

If the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month, SNRHA must promptly notify the initial PHA in writing of the deficiency. The notice must identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). SNRHA must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over SNRHA. If the initial PHA fails to correct the problem by the second month following the notification, SNRHA may request by memorandum to the director of the OPH with jurisdiction over SNRHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the PHAs on the matter must be attached. The receiving PHA must send a copy of the memorandum to the initial PHA. If the

OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to SNRHA

### ***Overpayments [Notice PIH 2016-09]***

In all cases where SNRHA has received billing payments for billing arrangements no longer in effect, SNRHA is responsible for returning the full amount of the overpayment (including the portion provided for administrative fees) to the initial PHA.

In the event HUD determines billing payments have continued for at least three months because SNRHA failed to notify the initial PHA the billing arrangement was terminated, SNRHA must take the following steps:

- Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.
- Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over SNRHA of the date and the amount of reimbursement to the initial PHA.

At HUD's discretion, SNRHA will be subject to the sanctions spelled out in Notice PIH 2016-09.

### **Denial or Termination of Assistance**

At any time, SNRHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(17)].

In the case of a termination, SNRHA should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should SNRHA fail to notify the initial PHA later than 10 business days following the effective date of the termination of the billing arrangement. [HUD-52665 Notice PIH 2016-09]

### **SNRHA Policy**

If SNRHA elects to deny or terminate assistance for a portable family, SNRHA will notify the initial PHA within 10 business days after the informal review or hearing if the denial or termination is upheld. SNRHA will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The informal review or hearing will be held in accordance with the policies in Chapter



16. SNRHA will furnish the initial PHA with a copy of the review or hearing decision.

### **Absorbing a Portable Family**

SNRHA may absorb an incoming portable family into its own program when SNRHA executes a HAP contract on behalf of the family or at any time thereafter providing SNRHA has funding available under its annual contributions contract (ACC) and (b) absorbing the family will not result in over leasing [24 CFR 982.355(d)(1), Notice PIH 2016-09].

If SNRHA absorbs a family from the point of admission, the admission will be counted against the income targeting obligation of SNRHA [24 CFR 982.201(b)(2)(vii)].

If SNRHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, HUD encourages SNRHA to provide adequate advance notice to the initial PHA to avoid having to return an overpayment. SNRHA must specify the effective date of the absorption of the Voucher. [Notice PIH 2016-09]

#### SNRHA Policy

If SNRHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, SNRHA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If SNRHA decides to absorb a family after that, it will provide the initial PHA with 30 calendar days advance notice.

Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for SNRHA's voucher program [24 CFR 982.355(d)], and SNRHA becomes the initial PHA in any subsequent moves by the family under portability [24 CFR 982.355 (e)(4)].

### **OUTGOING PORTABILITY [24 CFR 982.353, 982.355]**

Within the confines of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside SNRHA's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of SNRHA's jurisdiction, the request must specify the area to which the family wants to move.

#### **Restrictions on Portability**

A family is permitted to move only once in a 12-month period. This includes incoming and outgoing ports.

If neither the head nor spouse had a domicile (legal residence) in SNRHA's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability during the initial 12-month period after admission to the program.

**NOTE:** Local government defines legal domicile.



Following the initial 12-month period, SNRHA will not permit families to exercise portability:

- If the family is in violation of a family obligation.
- If the family owes money to SNRHA.
- If the family has moved out of its assisted unit in violation of the lease.
- If the family has not lived in their unit for 12 months.
- If the family has been served an eviction notice for cause or judgment.



## Chapter 11

### REEXAMINATIONS

#### INTRODUCTION

In accordance with HUD requirements, SNRHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. It also explains the interim reporting requirements for families, and the standards for timely reporting. Interim reexaminations are also needed in certain situations.

This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and SNRHA's policies concerning reexaminations are presented in three parts:

Part I: Annual Reexaminations. This part discusses the process for conducting annual reexaminations.

Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between annual reexaminations.

Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of annual and interim reexaminations.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this plan, apply to both annual and interim reexaminations.

#### **PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]**

##### **11-I.A. OVERVIEW**

SNRHA must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated. This part discusses the schedule for annual reexaminations, the information to be collected and verified, and annual reexamination effective dates.

With HUD's final rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule," SNRHA may implement tri-annual reexaminations (or once every three [3] years.)



## SNRHA Policy

SNRHA will continue to conduct annual reexaminations every year with the exception of fixed income households. Bi-annual reexaminations will be conducted on fixed income households.

- Fixed Income Households are defined as periodic payments at reasonably predictable levels from one or more of the following sources:
- Social Security, Supplemental Security Income, Supplemental Disability Insurance.
- Federal, state, local, or private pension plans.
- Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts.
- Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

## **11-I.B. SCHEDULING ANNUAL REEXAMINATIONS**

SNRHA must establish a policy to ensure that the annual reexamination for each family is completed *within* a 12-month period, and may require reexaminations more frequently [HCV GB p. 12-1].

### SNRHA Policy

SNRHA will schedule annual reexamination effective dates to coincide with the family's anniversary 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 moves to a new unit, SNRHA will perform a new annual reexamination.

SNRHA also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

## **Notification of and Participation in the Annual Reexamination Process**

SNRHA is required to obtain the information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of SNRHA.

### SNRHA Policy

Families generally are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or co-head and all family members 18





and older. SNRHA conducts re-certifications for the elderly and disabled via mail unless they fail to return the recertification packet within the required timeframe, the family will be sent an appointment letter. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact SNRHA to request a reasonable accommodation (See Chapter 2).

Notification of annual reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact SNRHA in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, SNRHA will send a second notification with a new interview appointment time.

If a family fails to attend their scheduled briefing and final appointment without SNRHA's approval, or if the notice is returned by the post office, a notice of termination (See Chapter 12) will be sent to the family's address of record.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and SNRHA must execute a certification attesting to the role and assistance of any such third party.

## **11-I.C. CONDUCTING ANNUAL REEXAMINATIONS**

As part of the annual reexamination process, families are required to provide updated information to SNRHA regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

### SNRHA Policy

Families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information will include a SNRHA-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, family composition and other required forms.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 14 calendar days of the interview. 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 sent a notice of termination (See Chapter 12.)

The information provided by the family generally must be verified in accordance with the policies in Chapter 6. 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 –except for expired status

If adding a new family member due to birth, adoption, marriage, court awarded custody, court awarded guardianship, or an assignment with verification from a social service agency to the unit causes overcrowding according to the Housing Quality Standards (HQS) (see Chapter 8), SNRHA must issue the family a new voucher, and the family must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, SNRHA must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

SNRHA will not increase the voucher size when adding adults to the family with the exception of court awarded custody of an adult.

SNRHA shall increase the voucher size for the addition of minors if the addition to the family warrants an increased voucher-size based on SNRHA's occupancy guidelines. Forms of acceptability by SNRHA:

- Court Ordered Assignment
- Verification from Social Service Agency
- SNRHA Appointment and Acceptance Form notarized (showing consent of a parent of the minor to be added to the family)
- SNRHA's Guardian – Self Certification of Physical Custody of Minor Child/Children form

#### **11-I.D. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]**

Section 327 of Public Law 109-115 established new restrictions on the ongoing eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled in an institution of higher education is under the age of 24, is not a veteran, is not married, and does not have a dependent child, the student's eligibility must be reexamined along with the income eligibility of the student's parents on an annual basis. In these cases, both the student and the student's parents must be income eligible for the student to continue to receive HCV assistance. If, however, a student in these circumstances is determined independent from his or her parents in accordance with PHA policy, the income of the student's parents will not be considered in determining the student's ongoing eligibility.

Students who reside with parents in an HCV assisted unit are not subject to this provision. It is limited to students who are receiving assistance on their own, separately from their parents.

#### **SNRHA Policy**

During the annual reexamination process, SNRHA will determine the ongoing eligibility of each student who is subject to the eligibility restrictions in 24 CFR 5.612 by reviewing



the student's individual income as well as the income of the student's parents. If the student has been determined "independent" from his/her parents based on the policies in Sections 3-II.E, the parents' income will not be reviewed.

If the student is no longer income eligible based on his/her own income or the income of his/her parents, the student's assistance will be terminated.

If the student continues to be income eligible based on his/her own income and the income of his/her parents (if applicable), SNRHA will process a reexamination in accordance with the policies in this chapter.

### **11-I.E. EFFECTIVE DATES**

SNRHA must establish policies concerning the effective date of changes that result from an annual reexamination [24 CFR 982.516].

#### SNRHA Policy

In general, an *increase* in the family share of the rent resulting from an annual reexamination will take effect on the first day of the family's anniversary month, and the family will be notified at least 30 calendar days in advance.

If less than 30 calendar 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 by completing an adjustment to make up the difference.

If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no 30-day notice is required.

If SNRHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by SNRHA, 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 overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 14.

In general, a *decrease* in the family share of the rent that results from an annual reexamination will take effect on the first day of the month of the family's anniversary date.

If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.

If SNRHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by SNRHA.



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 SNRHA by the date specified, and this delay prevents SNRHA from completing the reexamination as scheduled.

### **Reexamination Notice to the Family**

SNRHA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 60 calendar days in advance of the anniversary date, unless it has been rescheduled or file reinstated. SNRHA has developed a computerized tracking report to ensure all annual re-certifications are completed prior to the last annual date.

If requested as an accommodation by a person with a disability, SNRHA will provide the notice in an accessible format. SNRHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

### **Completion of Annual Recertification**

SNRHA will have all recertifications for families completed no later than one (1) calendar month prior to the effective date of the annual reexamination. This includes notifying the family of any changes in rent at least one (1) calendar month before the scheduled date of the change in family rent.

### **Collection of Information [24 CFR 982.516(f)]**

SNRHA has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

SNRHA will require the family to complete an application for Continued Occupancy form prior to completing annual recertifications.

## **PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]**

### **11-II.A. OVERVIEW**

Family circumstances may change throughout the period between annual reexaminations. HUD and SNRHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances SNRHA must process interim reexaminations to reflect those changes. HUD regulations also permit SNRHA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

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



changes. SNRHA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and SNRHA policies describing what changes families are required to report, what changes families may choose to report, and how SNRHA will process both SNRHA and family initiated interim reexaminations.

### **11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION**

SNRHA must adopt policies prescribing when and under what conditions the family must report changes in family composition. However, due to family obligations under the program, SNRHA has limited discretion in this area.

#### SNRHA Policy

SNRHA will conduct interim reexaminations to account for changes in income when;

- The family requests SNRHA to do so,
- There is a change in the family composition

Increases in income will be processed at the next annual reexamination except for the following families;

- Zero income families reporting income
- Families receiving only non-earned income who begin to earn income
- Families qualifying for the earned income disallowance (EID), but only when the EID family's share of rent will change as a result of the increase

In the above cases, SNRHA will process the interim to be effective the first of the month following 30 calendar day notice. SNRHA will note the information in the participants file.

SNRHA will conduct an interim for all changes in household composition. All changes must be reported in writing within 10 calendar days.

#### **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 SNRHA approval. However, the family is required to promptly notify SNRHA of the addition within 10 calendar days and submit copies of documents and birth certificates; social security 24 CFR 982.551(h)(2)].

#### SNRHA Policy

The family must inform SNRHA of the birth, adoption or court-awarded custody of a child/adult within 10 calendar days and submit all required documents. Notifications must be done in writing.



## **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 SNRHA's approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)]. This request must be submitted in writing prior to allowing the person to move into the unit.

When any new family member is added, SNRHA must make appropriate adjustments in the family share of the rent and the HAP payment at the effective date of either the annual or interim reexamination [24 CFR 982.516(e)(2)].

If an adult is requested to be added to the household, a criminal background check will be completed.

If adding a new family member due to birth, adoption, marriage, court awarded custody, court awarded guardianship, or an assignment with verification from a social service agency to the unit causes overcrowding according to the Housing Quality Standards (HQS) (see Chapter 8), SNRHA must issue the family a new voucher, and the family must try to find an acceptable unit as soon as possible.

If a change in family size causes a violation of Housing Quality Standards (HQS) space standards (see Chapter 8), SNRHA must issue the family a new voucher, and the family and SNRHA must try to find an acceptable unit as soon as possible.

### SNRHA Policy

Families must request SNRHA's approval to add a new family member, live-in aide, foster child, or foster adult in writing. This includes any person not on the lease who is expected to stay in the unit for more than 30 consecutive days, or 60 cumulative days, within a twelve month period, and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by SNRHA prior to the individual moving in the unit.

SNRHA will not approve the addition of a new family or household member unless the individual meets the PHA's eligibility criteria (see Chapter 3).

SNRHA will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards.

If SNRHA determines an individual meets SNRHA's eligibility criteria as defined in Chapter 3, SNRHA will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued another voucher and will be required to move.

If SNRHA determines that an individual does not meet SNRHA's eligibility criteria as defined in Chapter 3, SNRHA 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. Families must report in writing marriages/separations and divorces within 14 calendar days.

All changes in family composition must be approved by SNRHA and the landlord/property owner prior to the individual moving in the unit.



All changes in family composition (not requiring prior approval by SNRHA) must be reported to SNRHA within 14 calendar days or the next day the agency is open after the 14<sup>th</sup> calendar day

SNRHA will only approve the addition of an adult for the following reasons;

- Due to marriage or marital-type relationship, or
- An adult child due to recent discharge from the military, or
- An adult child or a parent due to a disability, or
- The biological parent of a minor child

Except for additions of adults as mentioned above, additions of other adults to the household may be approved no more than once in a twelve-month period from the last recertification effective date.

SNRHA will allow for a one-time exemption for single adult children previously removed from a household to be placed back into the household. In order to add adult children, the individual must meet the following criteria, and where applicable and outlined in Chapter 3.

- Been removed from the household one calendar year or less
- Be between the ages of 18-26

In order to add the adult, the individual must meet the criteria, where applicable, outlined in Chapter 3.

- Eligibility for admission and verified as outlined in Chapter 6.

All changes must be reported in writing within 14 calendar days. In the above cases, SNRHA will process the interim to be effective the first of the month following 30 calendar day notice. In all other cases, SNRHA will note the information in the participants file, but will not conduct an interim reexamination.

### **Departure of a Family or Household Member**

Families must promptly (defined as within 10 calendar days) notify SNRHA if any family member no longer lives in the unit [24 CFR 982.551(h)(3)]. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], SNRHA also needs to know when any live-in aide, foster child, or foster adult ceases to reside in the unit. Failure to report this may result in termination of assistance.

#### SNRHA Policy

If a household member ceases to reside in the unit, the family must inform SNRHA within 10 calendar days in writing. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent.



If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform SNRHA within 10 calendar days in writing.

## **11-II.C. CHANGES AFFECTING INCOME OR EXPENSES**

Interim reexaminations can be scheduled either because SNRHA has reason to believe changes in income or expenses may have occurred, or because the family reports a change.

### **Interim Reexaminations**

SNRHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 982.516(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 982.516(b)(2)].

SNRHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by SNRHA. They are not scheduled because of changes reported by the family.

### SNRHA Policy

SNRHA will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), SNRHA will conduct an interim reexamination at the start of the EID process, at Phase-In, and at the conclusion of the 24-month eligibility period.
- Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, and other subsistence of expenses by completing SNRHA's 'Zero Income Packet.' SNRHA will also send third party verification(s) to the state unemployment department whenever a participant claims zero income.
- When the amounts indicate the family has received monies from outside sources, or an outside source has paid the family's bills on their behalf, SNRHA will send third party verification(s) to the providing party to verify whether the income is sporadic or recurring in order to determine whether the amount is to be included in the family's annual income. EIV printouts will also be reviewed for all interim reexaminations.

If the family's expenses exceed their known income, SNRHA will make inquiry of the head of household as to the nature of the family's resources and terminate the family for fraud, or offer a repayment agreement when documented evidence indicates the family has unreported income, which includes receiving funds from other parties or individuals that has not been reported. Failure to enter into a repayment agreement and pay the required 25% within the established guidelines shall result in the termination of the subsidy. Only two (2) repayment agreements will ever be approved for any one HCV household. The





second cannot be approved unless the first has been paid in full. Repeating this action after the 2<sup>nd</sup> violation of unreported income will result in termination from the HCV program.

- 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), SNRHA 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, participant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, SNRHA will conduct an interim reexamination.
- SNRHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a participant fraud complaint.

### **Required Reporting**

HUD regulations give SNRHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

#### SNRHA Policy

Families are required to report all increases in income, including new employment, within 10 calendar days of the date the change takes effect.

Families are required to report any other changes in income or expenses and family composition within 10 calendar days in writing.

If the family's Total Tenant Payments (TTP) is the minimum rent and/or the family has requested a hardship exemption, the family must report any increase in income. SNRHA will adjust the rent at the end of the hardship period.

Families are required to report all changes in income and family composition within 10 calendar days of the change.

### **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 982.516(b)(2)]. SNRHA must process the request if the family reports a change resulting in a reduced family income [HCV GB, p. 12-9].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance 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 5.

#### SNRHA Policy



If a family reports a change resulting in an increase or decrease in the family share of rent, SNRHA will conduct an interim reexamination. See Section 11-II.D. for effective dates.

## **11-II.D. PROCESSING THE INTERIM REEXAMINATION**

### **Method of Reporting**

#### SNRHA Policy

The family shall notify SNRHA of changes only in writing within 10 calendar days of any change in family composition (including marriage) or income. Generally, the family will not be required to attend an interview for an interim reexamination. However, if SNRHA determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, SNRHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 14 business days of receiving a request from SNRHA. This time frame may be extended for good cause with SNRHA's approval. SNRHA will accept required documentation by mail, fax, e-mail, or in person.

### **Effective Dates**

SNRHA must establish the time frames in which any changes that result from an interim reexamination will take effect [24 CFR 982.516(d)]. The changes may be applied either retroactively or prospectively, depending on whether there is to be an increase or a decrease in the family share of the rent, and whether the family reported any required information within the required time frames [HCV GB, p. 12-10].

#### SNRHA 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 overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 14.

If the family share of the rent is to *decrease*:

The decrease will be effective on the first day of the month following the month in which the change was reported and all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

## **OTHER INTERIM REPORTING ISSUES**



An interim reexamination does not affect the date of the annual recertification.

#### SNRHA Policy

A verification used for purposes of completing the interim may be used for completing the family's annual recertification if the verification is current within 120 calendar days of the scheduled annual recertification effective date, unless SNRHA has reason to believe the situation has changed.

SNRHA may conduct the interim recertification by mail as a reasonable accommodation for a participant with a disability and elderly participants. (See Chapter 1, "Statement of Policies and Objectives")

#### **SNRHA Staff Errors**

If SNRHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

#### **CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]**

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:

- SNRHA implemented the Non-Citizen Rule prior to November 29, 1996 AND
- The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND
- All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

If the family moved in on or after November 29, 1996, mixed families may receive prorated assistance only.

#### **MISREPRESENTATION OF FAMILY CIRCUMSTANCES**

If any participant deliberately misrepresents the information on which eligibility or participant rent is established, SNRHA may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Chapter 16.)

### **PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT**

#### **11-III.A. OVERVIEW**



After gathering and verifying required information for an annual or interim reexamination, SNRHA must recalculate the family share of the rent and the subsidy amount, and notify the family and owner of the changes [24 CFR 982.516(d)(2), HCV 12-6 and 12-10]. 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.

### **11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES**

In order to calculate the family share of the rent and HAP amount correctly, changes in payment standards, subsidy standards, or utility allowances may need to be updated and included in SNRHA's calculations.

Specific policies governing how subsidy standards, payment standards, and utility allowances are applied are discussed below.

#### **Payment Standards [24 CFR 982.505]**

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB, p. 12-5]. See Chapter 6 for information on how to select the appropriate payment standard.

When SNRHA changes its payment standards or the family's situation changes, new payment standards are applied at the following times:

- If SNRHA's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
  - If the payment standard amount has *increased*, the increased payment standard will be applied at the *first annual* reexamination following the effective date of the increase in the payment standard.
  - If the payment standard amount has *decreased*, the decreased payment standard will be applied at the *second annual* reexamination following the effective date of the decrease in the payment standard.
- If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

#### **Subsidy Standards [24 CFR 982.505(c)(4)]**

If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in SNRHA's subsidy standards (see Chapter 6), the new family unit size must be used to determine the payment standard amount for the family at the family's *first annual* reexamination following the change in family unit size.

#### SNRHA Policy



Family composition changes resulting in a change in voucher size: Although SNRHA will conduct interims for all changes in family composition, the voucher size will not be adjusted until the family's first annual reexamination following the family composition change.

(Exception: see 24 CFR 982.403 for violations of the HQS space standards.)

### **Utility Allowances [HCV GB pg. 18-8]**

The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner, or in SNRHA's utility allowance schedule [HCV GB, p. 12-5]. Chapter 14 discusses how utility allowance schedules are established.

When there are changes in the utility arrangement with the owner, SNRHA must use the utility allowances in effect at the time the new lease and HAP contract are executed.

At reexamination, SNRHA must use SNRHA current utility allowance schedule.

#### **SNRHA Policy**

Revised utility allowances will be applied to a family's rent and subsidy calculations at the first reexamination after the allowance is adopted.

### **11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT**

SNRHA must notify the owner and family of any changes in the amount of the HAP payment [HUD-52641, HAP Contract]. The notice must include the following information [HCV GB, p. 12-6]:

- The amount and effective date of the new HAP payment
- The amount and effective date of the new family share of the rent
- The amount and effective date of the new tenant rent to owner

The family must be given an opportunity for an informal hearing regarding SNRHA's determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment [24 CFR 982.555(a)(1)(i)] (see Chapter 14).

### **11-III.D. DISCREPANCIES**

During an annual or interim reexamination, SNRHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, SNRHA may discover errors made by SNRHA. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made in accordance with the policies in Chapter 14.



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## Chapter 12

### DENIAL OF ASSISTANCE, TERMINATION OF ASSISTANCE, AND TENANCY

#### INTRODUCTION

HUD regulations specify the reasons for which a PHA can deny or terminate a family's assistance, and the ways in which such terminations must take place. They also dictate the circumstances under which an owner may terminate the tenancy of an assisted family. This chapter presents the policies that govern denials of assistance, voluntary and involuntary terminations of assistance, and termination of tenancy by the owner. It is presented in three parts:

Part I: Grounds for Denial of Assistance. This part discusses reasons why a family's application for assistance may be denied, including mandatory denials, and discusses SNRHA policy as relates to denials of assistance.

Part II: Termination of Assistance. This part discusses various reasons a family's assistance may be terminated, including voluntary termination by the family, termination because the family no longer qualifies to receive subsidy, and termination by the PHA based on the family's behavior. It also covers denial of applicant's assistance.

Part III: Approach to Termination of Assistance. This part describes the policies that govern how an involuntary termination takes place. It specifies the alternatives that the PHA may consider in lieu of termination, the criteria the PHA must use when deciding what action to take, and the steps the PHA must take when terminating a family's assistance.

Part IV: Termination of Tenancy by the Owner. This part presents the policies that govern the owner's right to terminate an assisted tenancy.

#### PART I: GROUNDS FOR DENIAL OF ASSISTANCE

##### 12-I.A. OVERVIEW

HUD requires SNRHA to terminate or deny assistance for certain offenses and when the family no longer requires assistance. HUD permits SNRHA to terminate or deny assistance for certain other actions family members take or fail to take. In addition, a family may decide to stop receiving HCV assistance at any time by notifying SNRHA.

A family that does not meet the eligibility criteria discussed in Chapter 3, Parts I and II, must be denied assistance.

In addition, HUD requires or permits SNRHA to deny assistance based on certain types of current or past behaviors of family members.



### **Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]**

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

### **Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), Pub.L. 109-162]**

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, or national origin. (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside SNRHA's jurisdiction (See Chapter 10, Portability.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking

### **12-I.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]**

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

- 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, SNRHA to admit an otherwise-eligible family if the household member has completed a SNRHA-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).
- SNRHA determines if any household member is currently engaged in the use of illegal drugs.

#### SNRHA Policy

*Currently engaged in* is defined as any use of illegal drugs during the previous six months.





- SNRHA 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.
- Any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing (including Public Housing, Section 8 Tenant-Based or Project-Based Units.)
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program. Criminal Sexual Convictions – Applicants, participant and/or their household members who have been convicted of criminal sexual conduct or are required to register in the State of Nevada as a sex offender, will be prohibited from participation in the Housing Choice Voucher program.
- Sex offenses, include but are not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness or child abuse and are required by law to register as a sex offender will be prohibited from participation in the Housing Choice Voucher Program.
- Failure of the family to provide verification of social security numbers for all family members in compliance with HUD Rent Refinement Rule. Notice PIH 2012-10
- Fails to appear to a scheduled briefing to issue a voucher.

## **12-I.C. CRITERIA FOR DECIDING TO DENY ASSISTANCE**

### **Evidence [24 CFR 982.553(c)]**

#### SNRHA Policy

SNRHA 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.

Consider all evidence. In determining whether an issue has been proved by a preponderance of the evidence, you should consider all of the evidence, regardless of who produced it.

Equally balanced. If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.



## **Consideration of Circumstances [24 CFR 982.552(c)(2)]**

HUD authorizes SNRHA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandated (see Section 3-III.B).

### SNRHA Policy

SNRHA 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 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.G) a victim of domestic violence, dating violence, sexual assault, or stalking.

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 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, unless there is a reoccurring offense within the past twelve months.

SNRHA will require the applicant/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.

SNRHA will consider all credible evidence, including but not limited to, any record of convictions or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight. SNRHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

SNRHA will also consider good cause reasons for missing an appointment or failing to timely provide information. However, only two appointments shall be scheduled. Said reasons include documented hospitalization, travel or incarceration for non-felony charges.

SNRHA has no discretion when denying assistance to an applicant whom has failed to establish citizenship or eligible status, or has been evicted from any Public Housing Program under the 1937 Act; Sex offender; Illegal drug use, other criminal activity, and alcohol abuse that would threaten other residents unless they can demonstrate to SNRHA that the person engaging in the activity has been rehabilitated, or that the situation no longer exists, and there have been no repeat incidents in the past 12 months.



### **Removal of a Family Member's Name from the Application [24 CFR 982.552(c)(2)(ii)]**

HUD permits PHAs to impose as a condition of admission, a requirement that family members who participated in or were culpable (*defined as: deserving blame/blameworthy*) for an action or failure to act resulting in the denial of assistance, to not reside in the unit.

#### SNRHA 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 the family member will not be permitted to visit or to stay as a guest in the assisted unit.

Prior to admission to the program, the family must present evidence of the former family member's current address upon SNRHA request.

### **Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]**

If the family includes a person with disabilities, SNRHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

#### SNRHA Policy

If the family indicates the behavior of a family member with a disability is the reason for the proposed denial of assistance, SNRHA will determine whether the behavior is related to the disability. If so, upon the family's request, SNRHA will determine whether alternative measures are appropriate as a reasonable accommodation. SNRHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. See Chapter 2 and Addendum A, for a discussion of reasonable accommodation.

### **12-I.D. DENIAL OF ASSISTANCE TO AN APPLICANT [24 CFR 982.552; 982.553]**

**(Some areas of this section also apply to participants)**

#### SNRHA Policy

#### **1. PERMANENT PROHIBITION**

Applicants/participants and incoming clients under portability, and/or their household members who have been convicted of criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness or child abuse and are required by law to register as a sex offender will be prohibited from participation in the Section 8-HCV Program.

SNRHA will permanently deny admission to a HCV applicant/participant convicted of manufacturing or producing methamphetamine on the premises of assisted housing developments in violation of any Federal or State Law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and ground. Such individuals are permanently barred from receiving Federal Housing Assistance.



Any applicant or incoming port who owes any PHA a debt, including debts owed to HCV Project-based programs or any other federal housing program unless said person has a current repayment agreement for which they are in full-compliance with the terms of the agreement.

Fails to provide social security numbers and verification for all family members claiming to be citizens or have eligible immigration status.

Has made fraudulent representations on his/her housing application.

SNRHA has no discretion when denying assistance to an applicant who has failed to establish citizenship or eligible immigration status.

## **2. Criminal Conduct of an Applicant or Member of the Applicant's Household**

SNRHA will consult local and federal law enforcement databases to determine whether an applicant or household member, 18 years of age or older, has a criminal record. For purposes of this section, criminal record includes convictions.

SNRHA may deny assistance to an applicant if the preponderance (i.e. majority) of verifiable evidence (i.e., Scope/NCIC criminal records, police reports, reports from parole/probation officers or landlord references) indicates that an applicant and/or household members have engaged in drug-related or violent criminal activity that otherwise adversely affects the health, safety or welfare of the public.

Applicants and/or household members whose records reflect criminal convictions or documented controlled substance or alcohol addiction shall be evaluated in accordance with the standards below:

**a. Convictions for Possession and/or Use of Controlled Substance** - Applicants and/or household members who have been convicted of possession of a controlled substance, may be eligible for admission to the Housing Choice Voucher program, if the applicant and/or household member submits verifiable documentation evidencing completion or on-going participation in a certified drug rehabilitation program, and the conviction did not occur within the year immediately preceding the date of admission of the applicant into the Housing Choice Voucher program.

**b. Termination of Assistance Due to Alcohol Abuse** - SNRHA may deny assistance to an applicant when, through verifiable evidence, SNRHA determines that:

The applicant and/or household member has a pattern of abuse of alcohol; and

The abuse interferes with the health, safety or right to peaceful enjoyment of the community surrounding their current residence.



**Mitigating Circumstances.** SNRHA may elect not to deny assistance to an applicant due to alcohol abuse, if the applicant produces verifiable evidence that:

He/she or his/her household member has successfully completed an alcohol rehabilitation program; or

He/she or his/her household member is currently enrolled in and is regularly attending an alcohol rehabilitation program.

**c. Other Felony Convictions** - Applicants and/or members of their household who have felony criminal convictions, for offenses other than those referenced above, shall be barred from admission for the time periods listed below and must demonstrate that they have not incurred any new convictions for a minimum period of one (1) year from the last date completion of their sentence.

### **3. SEX OFFENDERS**

#### **A. PERMANENT BAN**

**Sex Offenders Subject to Lifetime Registration** – The following Applicants and/or any member of the applicants’ household (collectively referred to as “Applicants” will be prohibited from participation in any SNRHA housing program (this includes port-ins):

- Applicants who have been convicted of a crime for which the person is subject to a lifetime sex offender registration requirement by **ANY** state convicting the person.

Applicants/participants commit fraud by: (1) failing to disclose to SNRHA the Applicants/participants are subject to a sex offender registration requirement, or (2) misleading SNRHA in any way regarding the Applicants’/Participant’s status relating to a sex offender registration requirement.

This requirement applies to participants found to be Sex Offenders subject to Life Time Registration.

***If convicted of a sexual crime in any court of law and subject to any sex offender registration requirement. These applicants, including (for port-ins) and participants, shall be barred permanently effective from the date required to register as a sex offender.***

#### **B. TEN YEAR ADMISSION BAR PERIOD**

Persons with convictions of one of the following offenses will be barred from admission to and continued occupancy in the Housing Choice Voucher program for a period of 10 years.

- Murder or attempted murder
- Rape (not resulting in offender being a registered as a sex offender)
- Child Molestation (not resulting in offender being registered as a sex offender)
- Kidnapping, attempted kidnapping
- Sexual assault attempted sexual assault



- Child pornography

### **C. FIVE YEAR PROHIBITION**

If any household member has been evicted from a federally subsidized housing program for a period of five (5) years or owes a debt to a public housing program or other assisted housing property.

Persons with convictions of one of the following offenses will be barred from admission to or porting in from another PHA for a period of 5 years.

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 assistance.

(Five years from the date of conviction: Persons convicted of *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], including:

- Trafficking in controlled substances; and
- Sale of controlled substances

Five years from the date of conviction: Persons convicted of *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] including:

- Driving under the influence causing personal injury
- Voluntary manslaughter
- Involuntary manslaughter
- Robbery
- Attempted robbery with a deadly weapon
- Mayhem or attempted mayhem
- Convicted of Arson
- Battery with substantial bodily harm (with a deadly weapon)
- Robbery or attempted robbery with the use of a deadly weapon
- Trafficking in controlled substance
- Sale of controlled substance
- Felony Hit and Run
- DUI 3<sup>rd</sup> Offense
- Grand Larceny
- Arson, attempted arson



- Illegal Manufacture of a Controlled Substance
- Assault with a Deadly Weapon
- Possession of controlled substance with intent to sell

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of SNRHA (including a SNRHA employee or a SNRHA contractor, subcontractor, or agent).

***Immediate vicinity means within a three-block radius of the premises.***

Evidence of such criminal activity includes, but is not limited to:

- Any conviction for drug-related or violent criminal activity within the past 5 years.
- A conviction for drug-related or violent criminal activity will be given more weight.

#### **Previously Assisted Families:**

If the family's assistance was terminated for the following reasons the family may be denied assistance for five years:

- Any family member has been evicted from federally assisted housing within the last five years.
- Any PHA has ever terminated assistance under the program for any member of the family for violation of family obligations.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the last five years.
- A family member has engaged in or threatened violent or abusive behavior toward SNRHA personnel within the last five years.
  - *Abusive or violent behavior towards SNRHA 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 assistance for all the above-noted timeframes, SNRHA will consider the factors discussed in Section 12-II.B. Upon consideration of such factors, SNRHA may, on a case-by-case basis, decide to reduce the period of ineligibility.



#### **D. THREE YEAR PROHIBITION**

Persons with convictions of one of the following offenses will be barred from admission to or porting in from another PHA into the HCV program for a period of three (3) years:

- Assault and battery
- Child Abuse and neglect (2nd offense)
- Open and gross lewdness (2nd offense) - if a lifetime sex offender, the three-year bar does not apply. Sex offenders are barred forever.
- Elderly Abuse and exploitation.
- Harassment and stalking (2nd offense)
- Discharging a firearm out of a motor vehicle
- Burglary
- Aiming firearm at a human being

#### **E. TWO YEAR PROHIBITION**

Any family allowing an ineligible person (relating to citizenship) to live in the assisted unit without informing SNRHA must be terminated for 24 months.

Possession of controlled substance

Any other criminal activity which, if repeated after admission, may threaten the health, safety, or right to peaceful enjoyment of the premises of other residents, neighbors, or persons living in the immediate vicinity and, or

may threaten the health or safety of the property's owner, property management staff, SNRHA staff, or other individuals working in the immediate vicinity.

#### **F. ONE YEAR PROHIBITION**

##### ***Gross Misdemeanor Convictions***

Persons with gross misdemeanor convictions for the offenses listed below shall be barred from the program admission and continued occupancy for a period of one (1) year from the date of conviction, and must demonstrate an absence of criminal activity for a minimum period of one year preceding the date of the application for admission or port in date.

- Open or gross lewdness – First Offense
- Discharging a weapon where a person might be endangered
- Changing/altering the serial number of a firearm
- Discharging a firearm in or upon a public street

##### **Misdemeanor Convictions**

Persons with misdemeanor convictions, for the offenses listed below, shall be barred from program admission, including port-ins from other HAs into HCV program for a period of one (1) year.





- Battery
- Domestic violence
- Possession of drugs not to be introduced into interstate commerce
- Child Abuse and neglect (first offense, even if no physical injury resulted to child)
- Harassment/stalking first offense
- DUI – First or Second offense
- Violating a Protective Order
- Resisting a Police Officer

### ***Probation and Parole***

If on probation or parole for any conviction, assistance will be denied, until discharged from probation, parole, or completion of sentence for one year prior to admissions to the HCV Program or port-in date. For purposes of this section, the “completion of sentence” shall mean the date of discharge from parole and/or probation or, in the case of a sentence that did not impose parole or probation, the date of release from prison/jail or the date of completion of court-ordered classes, community service, and/or final payment of court-ordered fines/restitution.

This section applies to incoming ports also.

### ***Other Felony Criminal Convictions***

Applicants, incoming clients under portability (including prior SNRHA clients who ported out and leased with the receiving PHA) and/or members of their household who have felony criminal convictions, for offenses other than those referenced above, shall be barred from admission for the time periods listed and must demonstrate that they have not incurred any new convictions for a minimum period of one (1) year from the last date of their sentence.

For purposes of this section, the “last date of sentence” shall mean the date of discharge from parole and/or probation or, in the case of a sentence that did not impose parole or probation, the date of release from prison/jail or the date of completion of court-ordered community service and/or final payment of court-ordered fines/restitution.

Persons with outstanding warrants are barred from admission until the warrants have been satisfied by the issuing legal jurisdiction. Applicants or port-in client must provide documentation that the warrant has been satisfied within 30 calendar days of notification to prevent denial of assistance.

## **12-I.E. USE OF FBI AND LAW ENFORCEMENT RECORDS**

SNRHA will check criminal history for all applicants and incoming ports who are 18 years or older to determine whether any member of the family has engaged in violent or drug related criminal activity or other criminal activity which is prohibit as an admission criterion.



Verification of any past activity will be done prior to final eligibility for admissions. For incoming ports, lease-up shall not be held up awaiting criminal screening results, but termination shall occur for participants porting in that cannot pass SNRHA's criminal screening requirements.

SNRHA has contracted with an FBI approved channeling agent, to process and funnel requests in order to obtain National Crime Information Center (NCIC) data for the purpose of accessing FBI criminal records.

SNRHA acknowledges a name check only may result in an inconclusive result without a positive fingerprint comparison. The results of an inconclusive name check will not be used to deny an applicant admission to the HCV program.

If the channeling agency indicates to SNRHA that there is a criminal history record indexed in the Interstate Identification Index which might belong to the applicant/participant, SNRHA must submit an applicant fingerprint card to the FBI through the appropriate channel in order to verify whether the criminal record is in fact the applicant's/participant's. Should the applicant instead elect to withdraw their application, no further action will be necessary.

To gain the full content of the NCIC data through the FBI approved channeling agent, SNRHA will submit applicant/participant fingerprints to the channeling agent.

### ***Confidentiality of Criminal Records***

SNRHA will ensure any criminal record received is maintained confidentially, not misused or improperly disseminated, will be housed in a locked file cabinet with access restricted to individuals responsible for such screening, and destroyed once the purpose for which it was requested is accomplished.

## **PART II: GROUNDS FOR TERMINATION OF ASSISTANCE**

### **12-II.A. FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.45]**

As a family's income increases, the amount of SNRHA subsidy goes down. If the amount of HCV assistance provided by the HAP drops to zero and remains at zero for 180 consecutive calendar days the family's assistance terminates automatically.

#### **SNRHA Policy**

If a participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero, the family must notify SNRHA of the changed circumstances and request an interim reexamination before the expiration of the 180-calendar day period after last HAP payment to owner.

### **12-II.B. FAMILY CHOOSES TO TERMINATE ASSISTANCE**

The family may request SNRHA terminate the family's assistance at any time.

#### **SNRHA Policy**



The request to terminate assistance should be made in writing and signed by the head of household and spouse, or co head. SNRHA will provide proper notice by notifying the family of the cancellation of assistance in writing. Assistance shall be terminated per the participants' requested termination date. If no specific date is provided, SNRHA shall terminate the assistance at the end of the month of receipt of the request to self-terminate.

## **12-II.C. MANDATORY TERMINATION OF ASSISTANCE**

HUD requires SNRHA to terminate assistance in the following circumstances.

### **Eviction [24 CFR 982.552(b)(2), Pub.L. 109-162]**

SNRHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. Incidents of actual or threatened violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such abuse.

#### SNRHA Policy

A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice, for serious or repeated lease violations, but before a legal eviction order has been issued, termination of assistance is not mandatory. However, SNRHA will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in Section 12-II.C. SNRHA shall not issue a voucher to move if SNRHA has received a notice of proceeding for an eviction for cause if SNRHA does not receive this document, the family shall be issued a voucher, if they have given a written valid Vacate Notice or a copy of a 30-Day No Cause Eviction Notice to the property owner and SNRHA.

SNRHA shall not issue a voucher to the participant if any form of an eviction notice "for cause" has been served and submitted to SNRHA.

Serious and repeated lease violations will include, but not be limited to:

- Nonpayment of rent,
- Disturbance of neighbors,
- Destruction of property,
- Living or housekeeping habits that cause damage to the unit or premises,
- Subleasing the unit,
- Criminal activity on or near the premises
- Failure to repay judgments in a previously assisted HCV unit.
- Failure to maintain and pay utilities



Generally, the criteria to be used is whether the reason for the eviction was through no fault of the participant, household members, or guests.

### **Failure to Provide Consent [24 CFR 982.552(b)(3)]**

SNRHA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a reexamination. See Chapter 6 for a complete discussion of consent requirements.

### **Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]**

SNRHA must terminate assistance 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; or (3) a family member, as determined by SNRHA, has knowingly permitted another individual who is not eligible for assistance to reside in the unit.

For (3) above, 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 6 for a complete discussion of documentation requirements.

### **Failure to Provide Social Security Documentation [24 CFR 5.218(c)]**

SNRHA must terminate assistance or deny assistance, if a participant or applicant family fails to provide documentation required by SNRHA to verify social security numbers in compliance with HUD Rent Refinement Rule effective January 2010.

### **Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]**

SNRHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

### **Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]**

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, and is not residing with his/her parents in an HCV assisted household, SNRHA must terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in



accordance with program regulations and SNRHA policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

## **12-II.D. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS**

### **Mandatory Policies [24 CFR 982.553(b) and 982.551(d)]**

HUD requires SNRHA to establish policies permitting SNRHA to terminate assistance if SNRHA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity
- Any household member has violated the family's obligation not to engage in violent criminal activity
- For the purpose of determining a violation, SNRHA will not consider a family to be engaged in violent criminal activity if the family member is a victim in accordance with the Violence against Women Act (VAWA). However, nothing should be considered to limit the termination of the person who engages in the criminal act.

### ***Use of Illegal Drugs and Alcohol Abuse***

#### SNRHA Policy

SNRHA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. SNRHA does not allow the use or cultivation (growth) of marijuana in any subsidized housing, even for medical reasons and regardless of state laws.

SNRHA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

*Currently engaged in* is defined as any use of illegal drugs during the previous 12 months.

SNRHA will consider all credible evidence, including but not limited to, any record of convictions or eviction of household members related to the use of illegal drugs or abuse of alcohol.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.



### ***Drug-Related and Violent Criminal Activity [24 CFR 5.100]***

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

*Drug-related criminal activity* is 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.

*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.

#### SNRHA Policy

SNRHA will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

SNRHA will consider all credible evidence, including but not limited to, any record of convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

### **Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c), 24 CFR 5.2005(c)]**

HUD permits SNRHA to terminate assistance under a number of other circumstances. It is left to the discretion of SNRHA whether such circumstances in general warrant consideration for the termination of assistance. The Violence Against Women Act of 2013 explicitly prohibits SNRHA's from considering incidents or actual threatened domestic violence, dating violence, sexual assault, or stalking as reasons for terminating the assistance of a victim of such abuse

#### SNRHA Policy

SNRHA **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency or Welfare to Work program.

SNRHA **will** terminate a family's assistance if:

- The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related SNRHA policies.
- Any family member has been evicted from federally-assisted housing in the last three (3) years.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family owes past due rent or other past due amounts, including in connection with HCV or public housing assistance under the 1937 Act.
- Breach of repayment agreement, unless the family repays the full amount of the debt no later than 14 calendar days from notification from SNRHA. This does



not apply if the family is current with payments under an approved repayment agreement.

- The family has breached the terms of a repayment agreement entered into with any PHA, or refuses to enter into a repayment agreement.
- The family does not provide information that SNRHA or HUD determines is necessary in determining program eligibility.
- The family does not provide complete and true information to SNRHA.
- Fails to meet eligibility requirements concerning individuals enrolled at an institution of higher education as noted in 24 CFR 5.612
- Has made fraudulent misrepresentation on his/her application for continued HCV assistance.
- The family failed to disclose and verify social security numbers and submit and sign consent forms for obtaining information.
- Fails to establish citizenship or eligible immigration status for at least one family member.
- The family failed to keep scheduled eligibility appointments with SNRHA staff
- Fails to appear to a scheduled briefing to issue a voucher
- A family member engages in or threatens violent or abusive behavior toward SNRHA personnel.

*Abusive or violent behavior towards SNRHA 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 shall be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

SNRHA **shall** deny assistance or continued assistance to an applicant, participant, and/or port-in client that:

- Does not submit a RFTA prior to the voucher expiring
- Is over income –applicants only
- Refuses to cooperate with SNRHA during the initial certification process or with portability procedures
- Is fleeing a felony
- Other criminal activities that are listed within this document as reasons to deny admissions.

### ***Family Absence from the Unit [24 CFR 982.312]***

The family may be absent from the unit for brief periods. SNRHA has established a policy on how long the family may be absent from the assisted unit (See Section 3-I.L.) However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

## SNRHA Policy



If the assisted family is absent from the unit for more than 180 consecutive calendar days (for any reason), the family's assistance will be terminated. Families must notify SNRHA in writing, in advance, mitigating circumstances will be considered if they will be out of the unit for any reason for more than 30 consecutive calendar days.

### ***Other Reasons for Termination***

- Failure or refuses to supply any information that SNRHA or HUD determines necessary for the administration of the Section 8 Program, including but not limited to, submissions of required evidence of citizenship or eligible immigration status;
- Failure to supply information requested by SNRHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
- Failure to report or disclose income after signing a zero income verification form within 10 calendar days as noted in the zero income certification form.
- Failure to appear or re-schedule, prior to the appointment time and date, at a required re-examination appointment, unless due to documented hospitalization, or travel.
- Failure or refuses to notify SNRHA of an eviction notice and/or that the family has moved from the assisted residence prior to receiving written approval from SNRHA;
- Failure or refuses to utilize the assisted residence as a primary residence;
- Failure or refuses to report changes in income or family composition in writing within 10 calendar days to SNRHA, including marriages.
- Failure or refuses to promptly notify SNRHA that a family member no longer resides in the unit;
- Failure to submit written valid Vacate Notice to owner and SNRHA and obtain SNRHA approval prior to moving.
- Fraud related to any Housing Program
- Failure to provide verifications within required timeframes
- Failure to enter into a repayment agreement within the required timeframes or pay debt in full and in compliance with the terms of the repayment agreement.
- Dual subsidy for any household member
- Permits persons, other than or in addition to members of the assisted family, to reside in the unit without prior approval from SNRHA;
- Fails or refuses to allow SNRHA to inspect the assisted unit at reasonable times and after 48 hours-notice;
- Fails or refuses to pay any utilities that the owner is not required to pay for;





- Fails or refuses to maintain any appliances, in a safe condition, that the owner is not required to maintain;
- Fails or refuses to correct/repair life threatening caused damage to the leased premises for which the family is responsible within 24 hours of the occurrence, including reconnecting utilities.
- Fails or refuses to correct/repair family caused damages to the leased premises - beyond normal wear and tear that result in an HQS breach within 30 calendar days of the occurrence of said damage;
- Fails or refuses to comply with all other family obligations, set forth in 24 CFR 982.552.
- Makes side payments of higher rents than approved to landlords/managers.
- SNRHA will terminate participants that received court evictions, or repeat documented violations of the lease and/ or documented cases of program fraud. Any awarded judgment or special inspections conducted by SNRHA's HQS Inspectors or documentation provided by the landlord/manager will be used as supportive documentation for terminating assistance due to serious or repeated violations of the lease, inclusive of non-payment of rent. This action may be taken even when the participant has moved to another unit.
- Failure to report income (including funds provided for paying utilities after an interim for zero income has been completed).
- Failure to pay a judgment for damages.
- Repeated criminal activities at the unit are considered a serious lease violation or any convictions that are listed in our five year bar from admissions including fugitive felons.
- Repeated late payments to the lender for participants under the HCV Homeownership Program shall result in the participant's termination. Repeated is defined as "submitting payments more than 30 calendar days late more than 3 times in a calendar year." The family will be referred to post-counseling if late payments are verified. If the family refuses to attend, the family shall be terminated. If the payments are not paid –in full or the participant cannot enter into a repayment agreement with their lender and provide a copy within 45 calendar days of the notice from SNRHA, the assistance shall be terminated the first of the month following the deadline.
- Failure to allow entrance for annual HQS Inspections. Only one Inspection will be rescheduled.

***Criminal Conduct by Family Members:***

SNRHA shall terminate assistance to a participant family if any member of the family is verified to have engaged in criminal activity involving drugs or violence. Additionally, SNRHA shall terminate fugitive felons and other felons, if identified after reports of possible criminal activities; receiving a report with documentation of fugitive felon status or warrant from the HUD's OIG office and/or additional criminal screenings. This includes persons convicted of felony crimes that have warrants issued for their arrest that are unresolved or persons found to have committed criminal acts that result in felony convictions for at least five years from the date of the conviction.



## **1. Termination of Assistance Due to Possession of Controlled Substances**

A determination to terminate assistance due to a family member's illegal use or possession for personal use of a controlled substance must be based upon conduct that occurred within one year before SNRHA notifies the family of its decision to terminate.

## **2. Termination of Assistance Due to Alcohol Abuse**

SNRHA shall terminate assistance to a family when, through verifiable evidence, SNRHA determines that:

- A family member has a pattern of abuse of alcohol; and
- The family member abuses alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the community surrounding the assisted unit.

### **a. Mitigating Circumstances**

SNRHA may elect not to terminate assistance to a family due to alcohol abuse if the family member produces verifiable evidence that:

- He/she has successfully completed an alcohol rehabilitation program; or
- He/she is currently enrolled in and is regularly attending an alcohol rehabilitation program and program staff will verify that he/she is unlikely to threaten the health, safety or right to peaceful enjoyment of others.

If the family member has caused prior incidents of interference with the health, safety or right to peaceful enjoyment as a result of alcohol abuse, while on the Section 8 Program, the above-referenced mitigating factors will not be considered.

## **3. Evidence of Criminal Activity**

In determining whether to terminate assistance to a family, based on drug related criminal activity, SNRHA may terminate assistance if the preponderance (i.e. majority) of verifiable evidence (i.e. criminal record, police records, reports from parole/probation officers/copies of warrants for arrest or landlords) indicates that a family member engaged in such activity, regardless of whether the family member was arrested or convicted.

## **4. Falsification or Fraud by Family Members:**

SNRHA shall terminate assistance to a participant family that has submitted false, fraudulent or intentionally misleading information to SNRHA in order to obtain assistance and/or during the term of their Housing Assistance Payment (HAP) Contract.

### **a. Ownership Interest in the Assisted Unit**

SNRHA will terminate assistance to a participant family when, through verifiable evidence, SNRHA determines that:

- A family member has an ownership interest in the assisted unit; or
- The family has permitted the Owner, of the assisted unit, to reside therein.



When the above-referenced determinations are made, SNRHA may refer the matter forthwith to the Office of the Inspector General (OIG) for criminal investigation. The referral to the OIG shall not preclude, postpone, or otherwise interfere with SNRHA's administrative termination process.

**b. False, Misleading or Fraudulent Information**

SNRHA may terminate assistance to a participant family when, through verifiable evidence, SNRHA verifies:

- The family willfully misrepresented income on a zero income certification; or
- The family misrepresented facts that caused SNRHA to overpay assistance.

**1. Mitigating Circumstances**

If a family misrepresented facts that caused SNRHA to overpay assistance, SNRHA may choose to continue assistance if the family enters into a repayment agreement within thirty (30) calendar days of the date of SNRHA's determination.

**c. Business Activity in the Assisted Unit**

SNRHA shall terminate assistance to a participant family when SNRHA verifies that the assisted unit is being used primarily for business purposes.

In making this determination, SNRHA shall consider whether the business activity resulted in the inability of the family member to utilize critical living space such as, bedrooms and bathrooms.

**1. Illegal Business Activity**

When SNRHA verifies the participant is conducting an illegal business at the assisted unit, the family's assistance shall be terminated.

For purposes of this Section, an illegal business is one that violates the State of Nevada criminal code.

***False or Incomplete Citizenship/Eligible Non-Citizen Information***

When SNRHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual will be given an opportunity to present relevant information.

If the individual is unable to verify his/her citizenship, SNRHA will not give him/her an opportunity to provide a new declaration as an eligible immigrant nor opportunity to elect not to contend his/her status.

SNRHA will then verify eligible status, deny, terminate, or prorate as applicable.

SNRHA will deny or terminate assistance based on the submission of false information or misrepresentation.

**Procedure for Denial or Termination -INS**



If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with SNRHA either after the INS appeal or in lieu of the INS appeal.

After SNRHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

### ***Insufficient Funding [24 CFR 982.454]***

SNRHA may terminate HAP contracts if SNRHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

#### **SNRHA Policy**

SNRHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If SNRHA determines there is a shortage of funding, prior to terminating any HAP contracts, SNRHA will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, SNRHA will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, SNRHA will inform the local HUD field office. SNRHA will terminate the minimum number needed in order to reduce HAP costs to a level within SNRHA's annual budget authority.

If SNRHA must terminate HAP contracts due to insufficient funding, SNRHA will do so in accordance with the following criteria and instructions:

SNRHA will terminate assistance to the most recent non-disabled or non-elderly family that has become a participant in the program, until such time as SNRHA has sufficient funds to assist. Families comprising the required number of special purpose voucher will be the last to be terminated. The family will not be required to reapply for the program when sufficient funds become available, but will be provided the opportunity to be assisted. The reinstatement for families shall be done in reserve order of SNRHA's list of termination of assistance for the lack of sufficient funds.

In the event SNRHA decides to stop issuing vouchers as a result of a funding shortfall, and SNRHA is not assisting the number of special purpose vouchers (NED families, HUD-VASH families, and Family Unification Program (FUP) families, when SNRHA resumes issuing vouchers, it will issue vouchers first to the special purpose vouchers, when applicable.



## **PART III: APPROACH TO TERMINATION OF ASSISTANCE**

### **12-III.A. OVERVIEW**

SNRHA is required by regulation to terminate a family's assistance if certain program rules are violated. For other types of offenses, the regulations give SNRHA the discretion to either terminate the family's assistance or to take another action. This part discusses the various actions SNRHA may choose to take when it has discretion, and outlines the criteria SNRHA will use to make its decision about whether or not to terminate assistance. It also specifies the requirements for the notice that must be provided when terminating assistance.

### **12-III.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]**

The way in which SNRHA terminates assistance depends upon individual circumstances. HUD permits SNRHA to terminate assistance by:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to approve a request for tenancy or to enter into a new HAP contract, or
- Refusing to process a request for or to provide assistance under portability procedures.

### **12-III.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE**

#### **Repayment of Family Debts**

##### SNRHA Policy

If a family owes amounts to SNRHA, as a condition of continued assistance, SNRHA will require the family to repay the full amount or to enter into a repayment agreement, within thirty (30) calendar days of receiving notice from SNRHA of the amount owed. See Chapter 14 for policies on repayment agreements.

### **12-III.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE**

#### **Evidence**

For criminal activity, HUD permits SNRHA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been convicted [24 CFR 982.553(c)].

##### SNRHA Policy

SNRHA 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 982.552(c)(2)(i)]**

SNRHA is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

#### SNRHA Policy

SNRHA will consider the following facts and circumstances when making its decision to terminate assistance:

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

SNRHA will 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.

In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family or if the family signs a repayment agreement and pays the required down payment within the required timeframe.

### **Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]**

If the family includes a person with disabilities, SNRHA's decision to terminate the family's assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

#### SNRHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, SNRHA will determine whether the behavior is related to the disability. If so, upon the family's request, SNRHA will determine whether alternative measures are appropriate as a reasonable accommodation. SNRHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. See Chapter 2 for a discussion of reasonable accommodation.

## **12-III.E. TERMINATING THE ASSISTANCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING VICTIMS AND PERPETRATORS [Pub.L. 109-162, Pub.L. 109-271]**



The Violence Against Women Reauthorization Act of 2005 (VAWA) provides that “criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a participant’s household or any guest or other person under the tenant’s control shall not be a cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the participant’s family is the victim or threatened victim of that domestic violence, dating violence, sexual assault, or stalking.”

VAWA also gives SNRHA’s the authority to “terminate assistance to any individual who is a tenant or lawful occupant and 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 also a tenant or lawful occupant.”

VAWA does not limit the authority of SNRHA to terminate the assistance of any participant if the PHA “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.”

### **Victim Documentation**

#### SNRHA Policy

When a participant family is facing assistance termination because of the actions of a participant, household member, guest, or other person under the participant’s control and a participant or immediate family member of the participant’s family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, sexual assault, or stalking, the PHA will require the individual to submit documentation affirming that claim.

The documentation must include:

A signed certified statement by the victim of the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking, or

One of the following:

A police or court record documenting the actual or threatened abuse, or

A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The required certification or supporting documentation must be submitted to SNRHA within 14 calendar days after SNRHA issues their written request. The 14 calendar day deadline may be extended at SNRHA’s discretion. If the individual does not provide the required certification or supporting documentation within 14 calendar days, or the approved extension period, SNRHA may proceed with assistance termination.



If SNRHA can demonstrate an actual and imminent threat to other participants or those employed at or providing service to the property if the participant's tenancy is not terminated, SNRHA will bypass the standard process and proceed with the immediate termination of the family's assistance.

### **Terminating the Assistance of a Domestic Violence Perpetrator**

Although VAWA provides assistance termination protection for victims of domestic violence, it does not provide protection for perpetrators. VAWA gives the PHA the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others...without terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant." This authority supersedes any local, state, or other federal law to the contrary. However, if SNRHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance [Pub. L. 109-271].

#### SNRHA Policy

When the actions of a participant or other family member (s) result in the SNRHA decision to terminate the family's assistance and another family member claims that the actions involve criminal acts of physical violence against family members or others, SNRHA will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame. If the certification or supporting documentation are submitted within the required time frame, or any approved extension period, SNRHA will terminate the perpetrator's assistance. If the victim does not provide the certification and supporting documentation, as required, SNRHA will proceed with termination of the family's assistance.

If SNRHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the participant's tenancy is not terminated, SNRHA will bypass the standard process and proceed with the immediate termination of the family's assistance.

### **SNRHA Confidentiality Requirements**

All information provided to SNRHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such abuse, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

## **12-III.F. TERMINATION NOTICE [HCV GB, p. 15-7]**





If a family's assistance is to be terminated, whether voluntarily or involuntarily, SNRHA must give the family and the owner written notice that specifies:

- The reasons for which assistance has been terminated.
- The effective date of the termination.
- The family's right to an informal hearing as described in Chapter 14.
- SNRHA will also send form HUD-5382 and form HUD-5380 to the family with the termination notice.

If a criminal record is the basis of the termination, a copy of the record must accompany the notice. A copy of the criminal record also must be provided to the subject of the record [24 CFR 982.553(d)].

#### SNRHA Policy

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

Termination notices due to deceased single household members will be effective on the last day of the month in which the participants dies in compliance with HUD guidance. Any overpayments must be returned.

When a family requests to be terminated from the program they must do so in writing to SNRHA (see section 12-I.C.). SNRHA will then send a confirmation notice to the family and the owner within 10 calendar days of the family's request.

#### **Notice of Termination Based on Citizenship Status [24 CFR 5.514 (c) and (d)]**

SNRHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or eligible immigration status; (2) evidence of citizenship and eligible immigration status is submitted timely, but USCIS primary and secondary verification does not verify eligible immigration status of a family; or (3) SNRHA determines a family member has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3) above, such termination must be for a period of at least 24 months.

The notice of termination must advise the family of the reasons their assistance is being terminated, that they may be eligible for probation of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, that they have the 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 that they have the right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Informal hearing procedures are contained in Chapter 14.



### SNRHA Policy

The notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination.

## **12-III.G. HOW TERMINATION OF ASSISTANCE AFFECTS THE HAP CONTRACT AND LEASE**

When the family's assistance is terminated, the lease and HAP contract terminate automatically [Form HUD-52641].

The owner may offer the family a separate unassisted lease [HCV GB, p. 15-8].

## **PART IV: TERMINATION OF TENANCY BY THE OWNER**

### **12-IV.A. OVERVIEW**

Termination of an assisted tenancy is a matter between the owner and the family; SNRHA is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy and the reasons for which a tenancy is terminated dictate whether assistance also will be terminated.

### **12-IV.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310 and Form HUD-52641-A, Tenancy Addendum, Pub.L. 109-162]**

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

#### **Serious or Repeated Lease Violations**

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease, including failure to pay rent or other amounts due under the lease, except when the violations are related to incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking against that participant. This includes failure to pay rent or other amounts due under the lease. However, SNRHA's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

#### **Violation of Federal, State, or Local Law**

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

#### **Criminal Activity or Alcohol Abuse**

The owner may terminate tenancy during the term of the lease if any *covered person*, meaning any member of the household, a guest or another person under the tenant's control commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);



- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
- Any violent criminal activity on or near the premises; or
- Any drug-related criminal activity on or near the premises.
- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an 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.

Violent criminal activity does not include victims of domestic violence that are covered under the Violence Against Women Act. (VAWA).

#### **Owner Termination of Tenancy:**

The owner may terminate tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been convicted for such activity.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents unless said termination violates the VAWA.

#### ***Evidence of Criminal Activity***

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity, regardless of conviction and without satisfying the standard of proof used for a criminal conviction, except in certain incidents where the criminal activity directly relates to domestic violence, dating violence, sexual assault, or stalking and the tenant or an affiliated individual is the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking. (See Section 12-II.E.)

#### **Other good cause. (24 CFR 982.310)**

“Other good cause” for termination of tenancy by the owner may include, but is not limited to, any of the following examples:

- Failure by the family to accept the offer of a new lease or revision;
- A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the unit or premises;
- The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rental).



(2) During the initial lease term, the owner may not terminate the tenancy for “other good cause”, unless the owner is terminating the tenancy because of something the family did or failed to do. For example, during this period, the owner may not terminate the tenancy for “other good cause” based on any of the following grounds: failure by the family to accept the offer of a new lease or revision; the owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or a business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rental.)

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

Note: Other good cause does not include vacating a property that has been foreclosed upon during the lease term prior to the sale of that property. However, the new owner of the property may terminate the tenancy effective the date of transfer of the unit if the owner will occupy the unit as a primary residence and has provided the tenant a notice to vacate at least 90 calendar days before the effective date of such notice (Notice PIN 2010-49). Further information on the protection afforded to tenants in the event of foreclosure can be found in Section 13-II.G.

#### **12-IV.C. EVICTION [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum]**

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

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

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give SNRHA a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give SNRHA a copy of any eviction notice (see Chapter 5).

##### SNRHA Policy 24 CFR 982.310, 982.455]

If the eviction action is finalized in court, the owner must provide SNRHA with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 5 business days following the court-ordered eviction.

If the owner wishes to terminate the lease, the owner is required under the lease, to provide proper notice as stated in the lease.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:



Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;

Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises or any drug-related criminal activity on or near the premises.

Other good cause:

During the initial term of the lease, the owner may not terminate the tenancy for “other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310)

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action and shall provide SNRHA with a copy of all notices to the participant. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

SNRHA requires the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for SNRHA’s decision regarding termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, SNRHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment, affidavit of eviction, summary of eviction or other process allowing the owner to evict the tenant. No voucher shall be issued to the participant to move for a period of 30 calendar days from the date of the original notice and the participant shall be terminated if an unpaid judgment within 30 calendar days or affidavit of eviction or summary of eviction is provided by the court as these shall be considered as serious lease violations.

SNRHA will continue housing assistance payments until the family moves or is evicted from the unit. If the action is finalized in court, the owner must provide SNRHA with the documentation, including notice of the lock-out date, if applicable. SNRHA shall terminate the participant, even if the family has moved to another unit.

SNRHA must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By accepting funds paid via direct deposit from SNRHA, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is due to no cause of the family, and if SNRHA has no other grounds for termination of assistance, SNRHA may issue a new voucher so that the family can move with continued assistance.



#### **12-IV.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), Pub.L. 109-162]**

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action
- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- 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 (42 U.S.C. 13661). For this purpose, the owner may 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.

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

An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, sexual assault, or stalking is limited by the Violence Against Women Reauthorization Act of 2005 (VAWA). (See Section 12-II.E.)

#### **12-IV.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY'S ASSISTANCE**



If a termination is not due to a serious or repeated violation of the lease, and if SNRHA has no other grounds for termination of assistance, SNRHA may issue a new voucher so that the family can move with continued assistance (see Chapter 10).

\* \* \* Exhibit 12-1 on next page \* \* \*



## **EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS**

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information SNRHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by SNRHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay participant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

### SNRHA Policy

Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

- The family must allow SNRHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.

### SNRHA Policy

SNRHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used is whether the reason for the eviction was through no fault of the participant or guests.

- The family must notify SNRHA and the owner before moving out of the unit or terminating the lease.

### SNRHA Policy

The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to the PHA at the same time the owner is notified.

- The family must promptly give SNRHA a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.





The composition of the assisted family residing in the unit must be approved by SNRHA. The family must promptly notify SNRHA in writing of the, birth, adoption, or court-awarded custody of a child or adult. The family must request SNRHA approval to add any other family member as an occupant of the unit.

#### SNRHA Policy

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. SNRHA will determine eligibility of the new member in accordance with the policies in Chapter 3.

- The family must promptly notify SNRHA in writing if any family member no longer lives in the unit.
- If SNRHA has given approval, a foster child or a live-in aide may reside in the unit. SNRHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when SNRHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).
- The family must not sublease the unit, assign the lease, or transfer the unit.

#### SNRHA Policy

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.

- The family must supply any information requested by SNRHA to verify that the family is living in the unit or information related to family absence from the unit.
- The family must promptly notify SNRHA when the family is absent from the unit.

#### SNRHA Policy

Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to SNRHA at the start of the extended absence.

- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space or HCV Homeownership).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 16, Program Integrity for additional information).
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of



other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and SNRHA policies related to drug-related and violent criminal activity.

- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and SNRHA policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless SNRHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]



## Chapter 13

### OWNERS

#### INTRODUCTION

Owners play a central role in the HCV program by supplying decent, safe, and sanitary housing for participating families.

The term “owner” refers to any person or entity with the legal right to lease or sublease a unit to a participant in the HCV program [24 CFR 982.4(b)]. The term “owner” includes a principal or other interested party [24 CFR 982.453; 24 CFR 982.306(f)], such as a designated agent of the owner. The term ‘tenant’ is used to refer to HCV ‘participants’ in terms of their relationship to the owner.

Owners have numerous responsibilities under the program, including screening and leasing to families, maintaining the dwelling unit, enforcing the lease, and complying with various contractual obligations. However, this chapter is not meant to be an overview of all aspects of owner participation in the HCV program.

It is the policy of SNRHA to recruit owners to participate in the Housing Choice Voucher program. SNRHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of SNRHA. The regulations define when SNRHA must disallow an owner participation in the program, and they provide SNRHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

The chapter is organized in two parts:

Part I: Owners in the HCV Program. This part discusses the role of an owner in SNRHA'S HCV program and highlights key owner rights and responsibilities.

Part II: HAP Contracts. This part explains provisions of the HAP contract and the relationship between the PHA and the owner as expressed in the HAP contract.

For detailed information about HCV program responsibilities and processes, including PHA policies in key areas, owners will need to refer to several other chapters in this plan. Where appropriate, Chapter 13 will reference the other chapters.

#### PART I. OWNERS IN THE HCV PROGRAM

##### 13-I.A. OWNER RECRUITMENT AND RETENTION [HCV GB, pp. 2-4 to 2-6]

###### Recruitment

SNRHA is responsible for ensuring very low income families have access to all types and ranges of affordable housing in SNRHA’s jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is for SNRHA to ensure that a sufficient number of owners, representing all types and ranges of affordable housing in SNRHA’s jurisdiction, are willing to participate in the HCV program.



To accomplish this objective, SNRHA must identify and recruit new owners to participate in the program.

### SNRHA Policy

SNRHA will conduct owner outreach to ensure that owners are familiar with the program and its advantages. SNRHA will actively recruit property owners with property located outside areas of poverty and minority concentration. These outreach strategies will include:

- Distributing printed material about the program to property owners and managers.
- Contacting property owners and managers by phone or in-person.
- Holding owner recruitment/information meetings at least once a year or as necessary to recruit.
- Coordinating inspection and leasing activities among SNRHA, the owner, and the family.
- Participating in community based organizations comprised of private property and apartment owners and managers.
- Developing working relationships with owners and real estate professionals.

Outreach strategies will be monitored for effectiveness, and adapted accordingly.

### **Retention**

In addition to recruiting owners to participate in the HCV program, SNRHA must also provide the kind of customer service that will encourage participating owners to remain active in the program.

### SNRHA Policy

All SNRHA activities that may affect an owner's ability to lease a unit will be processed as rapidly as possible, in order to minimize vacancy losses for owners.

SNRHA will provide owners with a handbook that explains the program, including HUD and SNRHA policies and procedures, in easy-to-understand language.

SNRHA will give special attention to helping new owners succeed through activities such as:

- Provide new owners with SNRHA owner's handbook which covers all program rules and provides a contact for additional questions.
- Providing the owner with a designated SNRHA contact person (The OS assigned to the participant).
- Coordinating inspection and leasing activities between SNRHA, the owner, and the family.
- Providing other written information about how the program operates, including answers to frequently asked questions.

Additional services may be undertaken on an as-needed basis, and as resources permit.



### **13-I.B. BASIC HCV PROGRAM REQUIREMENTS**

HUD requires SNRHA to aid families in their housing search by providing the family with a list of landlords or other parties known to SNRHA who may be willing to lease a unit to the family, or to help the family find a unit. Although SNRHA cannot maintain a list of owners that are pre-qualified to participate in the program, owners may indicate to SNRHA their willingness to lease a unit to an eligible HCV family, or to help the HCV family find a unit [24 CFR 982.301(b)(11)].

#### SNRHA Policy

Owners that wish to indicate their willingness to lease a unit to an eligible HCV family or to help the HCV family find a unit must notify SNRHA via [affordablehousing.com](http://affordablehousing.com) website. Landlords may input new listing via the internet at [SNRHA.org](http://SNRHA.org) at any time. SNRHA shall not refer any client to any one owner. The family must select their unit

When a family approaches an owner to apply for tenancy, the owner is responsible for screening the family and deciding whether to lease to the family, just as the owner would with any potential tenant. SNRHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. See Chapters 3 and 6 for more detail on tenant family screening policies and process.

If the owner is willing, the family and the owner must jointly complete a Request for Tenancy Approval (RFTA, Form HUD 52517), which constitutes the family's request for assistance in the specified unit, and which documents the owner's willingness to lease to the family and to follow the program's requirements. When submitted to SNRHA, this document is the first step in the process of obtaining approval for the family to receive the financial assistance it will need in order to occupy the unit. Also submitted with the RFTA is a copy of the owner's proposed dwelling lease, including the HUD-required Tenancy Addendum (Form HUD-52641-A) and all other required documents listed on the RFTA checklist packet. See Chapter 9 for more details on request for tenancy approval policies and process.

#### SNRHA POLICY

SNRHA also requires the owner to submit the following documents:

- A copy of the owner's proposed dwelling lease which must be signed and submitted to SNRHA after a passed HQS Inspection;
- A completed statement of property ownership/authorization for direct deposit with a voided check or deposit slip;
- Recorded deed;
- W-9 or W-8ECI.

SNRHA will make those individuals providing W-8ECI forms aware that when the IRS assigns a taxpayer number, it is to be provided to SNRHA.

HUD regulations stipulate that an assisted tenancy can be approved only under certain conditions.



The owner must be qualified to participate in the program [24 CFR 982.306]. Some owners are precluded from participating in the program, or from renting to a particular family, either because of their past history with this or another federal housing program, or because of certain conflicts of interest. Owner qualifications are discussed later in this chapter.

The selected unit must be of a type that is eligible for the program [24 CFR 982.305(a)]. Certain types of dwelling units cannot be assisted under the HCV program. Other types may be assisted under certain conditions. In addition, the owner must document legal ownership of the specified unit. See Chapter 9 for more detail on unit eligibility policies and process.

The selected unit must meet HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD [24 CFR 982.305(a)]. The PHA will inspect the owner's dwelling unit at various stages of HCV program participation, to ensure that the unit continues to meet HQS requirements. See Chapter 8 for a discussion of the HQS standards, as well as the process for HQS inspections at initial lease-up and throughout the family's tenancy.

SNRHA must determine that the cost of the unit is reasonable [24 CFR 982.305(a)]. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises. See Chapter 8 for a discussion of requirements and policies on rent reasonableness, rent comparability and the rent reasonableness determination process.

At initial lease-up of a unit, SNRHA must determine that the share of rent to be paid by the family does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]. See Chapter 6 for a discussion of the calculation of family income, family share of rent and HAP.

The dwelling lease must comply with all program requirements [24 CFR 982.308]. Owners are encouraged to use their standard leases when renting to an assisted family. However, the HCV program requires that the Tenancy Addendum, which helps standardize the tenancy requirements for all assisted families, be added word-for-word to that lease. See Chapter 9 for a discussion of the dwelling lease and tenancy addendum, including lease terms and provisions.

SNRHA and the owner enter into a formal contractual relationship by executing the Housing Assistance Payment (HAP) Contract (Form HUD-52641). The HAP contract format is prescribed by HUD. See Chapter 9 for a discussion of the HAP contract execution process. Specific HAP contract provisions and responsibilities are discussed later in this Chapter.

### **13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452, Pub.L. 109-162]**

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Complying with all of the owner's obligations under the Housing Assistance Payments (HAP) contract and the lease
- 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
- Maintaining the unit in accordance with the Housing Quality Standards (HQS), including performance of ordinary and extraordinary maintenance



- Complying with equal opportunity requirements
- Preparing and furnishing to SNRHA information required under the HAP contract and Administrative Plan
- Collecting from the family any security deposit, the tenant's contribution to rent (that part of rent to owner not covered by the housing assistance payment from SNRHA), and any charges for unit damage by the family.
- Enforcing tenant obligations under the dwelling lease
- Paying for utilities and services (unless paid by the family under the lease)
- Allowing reasonable modifications to a dwelling unit occupied or to be occupied by a disabled person [24 CFR 100.203]
- Ensuring no side-payment agreement are signed
- Comply with the Violence Against Women Reauthorization Act of 2005 (VAWA) when screening and terminating participants.

### **13-I.D. OWNER QUALIFICATIONS**

SNRHA does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where SNRHA may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program [24 CFR 982.306(e)].

#### **Owners Barred from Participation [24 CFR 982.306(a) and (b)]**

SNRHA must not approve the assisted tenancy if SNRHA has been informed that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. HUD may direct SNRHA not to approve a tenancy request if a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements, or if such an action is pending.

#### **1. Mandatory Owner Disapproval:**

##### **a. Owners are under HUD's Debarment, Suspension or Limited Denial of Participation:**

SNRHA must disapprove the Housing Choice Voucher Program participation of an owner when, through verifiable evidence, SNRHA determines that the owner is debarred, suspended or subject to a limited denial of participation pursuant to 24 CFR Part 24. SNRHA will use SAM.gov to determine if landlords and/or designated agents are federally debarred as well as its internal listing.

##### **b. A Familial Relationship exists between the owner and Prospective Tenant:**

SNRHA must disapprove the Housing Choice Voucher Program participation of an owner when, through verifiable evidence, SNRHA determines that the Owner is seeking to lease his/her unit to his/her individually or as a beneficiary of a trust or his/her joint tenant or tenant in common. According to the HCV Guidebook, prohibited owner-family



relationships include parent, child, grandparent, grandchild, sister, or brother of any member of the assisted family. SNRHA will waive this restriction only through an approval as a Reasonable Accommodation for a family member who is person with a disability.

c. Resident Ownership

SNRHA must disapprove the Housing Choice Voucher Program participation of an Owner unless SNRHA determines that the Owner is seeking to lease his/her unit to his/her parent, child, grandparent, grandchild, sister or brother. SNRHA will waive this restriction as a Reasonable Accommodation for a family member who is a person with a disability.

2. HUD Directed Owner Disapproval

When directed by HUD, SNRHA must not approve an Owner to participate in the Housing Choice Voucher Program if:

- a. The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or
- b. A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.

3. SNRHA Discretionary Owner Disapproval:

In its administrative discretion SNRHA may deny approval to lease a unit from an owner for any of the following reasons:

- a. The owner has violated obligations under a housing assistance payments contract under Housing Choice Voucher of the 1937 Act (42 U.S.C. 1437f);
- b. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- c. The owner has participated in any drug-related criminal activity or violent criminal activity.
- d. The owner has a history or practice of non-compliance with the HQS in the HCV Program units leased or with applicable housing standards for units or leased under any other federal housing program which has resulted in three (3) units being abated resulting in terminations of HAP contracts for non-compliance.
- e. The owner has a history or practice of renting units that fail to meet State or local housing codes; or
- 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 take action to terminate tenancy for activity engaged in by the tenant, tenant's household members, guests or any other person under the tenant's control that:
  - (i) threatens the health or safety of, or right to peaceful enjoyment of the immediate vicinity surrounding community by residents, owners or SNRHA employees; and





- (ii) in drug-related or violent criminal activity.
- h. The owner has charged and collected side payments from a participant in SNRHA's Housing Choice Voucher Program will be barred from entering into any new Housing Assistance Payments (HAP) for a period of five (5) years from the date of the last HAP payment made to said landlord under current contracts.

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

If SNRHA finds the owner/agent is collecting side payments, SNRHA must notify the owner/agent to immediately cease collecting these payments and require repayment to the tenant of the full amount collected. The owner/agent must provide SNRHA with proof of repayment to the tenant.

SNRHA must determine whether the owner/agent also collected side payments from other participants and follow up to require repayment.

If found side payments were made, SNRHA may disbar those owner/agents for five (5) years. For those owners/agents disbarred, SNRHA will cancel the HAP contracts associated by giving a 60-day Notice of Cancellation to the owner/agent.

Participants will be issued a moving packet to locate other housing.

- i. The owner owes a past debt that is outstanding with SNRHA. The debt must be paid in full prior to entering into a new contract if the owner is not receiving subsidy for any other assisted units

#### **Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]**

SNRHA must not approve an RTA if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. SNRHA may make an exception as a reasonable accommodation for a family member with a disability. The owner is required to certify that no such relationship exists. This restriction applies at the time that the family receives assistance under the HCV program for occupancy of a particular unit. Current contracts on behalf of owners and families that are related may continue, but any new leases or contracts for these families may not be approved.

#### **Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]**

SNRHA must not approve a tenancy in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of SNRHA (except a participant commissioner)
- Any employee of SNRHA, or any contractor, subcontractor or agent of SNRHA, who formulates policy or who influences decisions with respect to the programs



- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs
- Any member of the Congress of the United States

HUD may waive the conflict of interest requirements, except for members of Congress, for good cause. SNRHA must submit a waiver request to the appropriate HUD Field Office for determination.

Any waiver request submitted by SNRHA include [HCV Guidebook HAP Contracts PP 4-5]:

- Complete statement of the facts of the case;
- Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived;
- Analysis of and statement of consistency with state and local laws. The local HUD office, the PHA, or both parties may conduct this analysis. Where appropriate, an opinion by the state's attorney general should be obtained;
- Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted;
- Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied;
- If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives;
- If the case involves a public official or member of the governing body, explanation of his/her duties under state or local law, including reference to any responsibilities involving the HCV program;
- If the case involves employment of a family member by SNRHA assistance under the HCV program for an eligible SNRHA employee, explanation of the responsibilities and duties of the position, including any related to the HCV program;
- If the case involves an investment on the part of a member, officer, or employee of the PHA, description of the nature of the investment, including disclosure/divestiture plans.

Where SNRHA has requested a conflict of interest waiver, SNRHA may not execute the HAP contract until HUD has made a decision on the waiver request.

#### SNRHA Policy

In considering whether to request a conflict of interest waiver from HUD, SNRHA will consider factors for waiving the requirement; consistency with state and local laws; the existence of alternative housing available to families; the individual circumstances of a particular family; the specific duties of individuals whose positions present a possible conflict of interest; the nature of any financial investment in the property and plans for disclosure/divestiture; and the possible appearance of impropriety.



## **Legal Ownership of Unit**

The following represents SNRHA policy on legal ownership of a dwelling unit to be assisted under the HCV program.

### SNRHA Policy

SNRHA will only enter into a contractual relationship with the legal owner of a qualified unit. No tenancy will be approved without acceptable documentation of legal ownership. SNRHA requires a recorded deed and all other documents to ensure HAP payments are going to rightful owners/agents.

## **13-I.E. NON-DISCRIMINATION [HAP Contract – Form HUD-52641]**

The owner must not discriminate against any person because of race, color, religion, sex, sexual orientation, marital status, national origin, age, familial status, or disability, in connection with any actions or responsibilities under the HCV program and the HAP contract with SNRHA.

The owner must cooperate with SNRHA and with HUD in conducting any equal opportunity compliance reviews and complaint investigations in connection with the HCV program and the HAP contract with SNRHA.

See Chapter 2 for a more thorough discussion of Fair Housing and Equal Opportunity requirements in the HCV program.

## **PART II. HAP CONTRACTS**

### **13-II.A. OVERVIEW**

The HAP contract represents a written agreement between SNRHA and the owner of the dwelling unit occupied by a HCV assisted family. The contract spells out the owner's responsibilities under the program, as well as SNRHA's obligations. Under the HAP contract, SNRHA agrees to make housing assistance payments to the owner on behalf of a specific family occupying a specific unit.

The HAP contract is used for all HCV program tenancies except for assistance under the Section 8 homeownership program and assistance to families that own a manufactured home and lease the space. See Chapter 15 for a discussion of any special housing types included in SNRHA's HCV program.

If SNRHA has given approval for the family of the assisted tenancy, the owner and the PHA execute the HAP contract. See Chapter 9 for a discussion of the leasing process, including provisions for execution of the HAP contract.

### **13-II.B. HAP CONTRACT CONTENTS**

The HAP contract format is required by HUD, specifically Housing Assistance Payment (HAP) Contract, Form HUD-52641.

The HAP contract contains three parts:



Part A of the contract includes basic **contract information** about the name of the tenant family, address of the contract unit, names of all household members, first and last dates of initial lease term, amount of initial monthly rent to owner, amount of initial housing assistance payment, utilities and appliances to be supplied by owner and tenant, signatures of SNRHA and owner [HCV Guidebook, pp 11-10 and 11-11].

In general, the HAP contract cannot be modified. However, SNRHA does have the discretion to add language to Part A of the HAP contract which prohibits the owner from collecting a security deposit in excess of private market practices or in excess of amounts charged to unassisted tenants. SNRHA policy on the amount of security deposit an owner may collect is found in chapter 9.

In addition, PHAs have the discretion to add language to Part A of the HAP contract that defines when the housing assistance payment by SNRHA is deemed received by the owner.

#### SNRHA Policy

SNRHA will make automatic monthly HAP deposits into the bank account of the owner. The date the bank shows as the deposit date will be the official payment date of record and will be the determining factor in cases involving late payment penalties. SNRHA will not make late payments due to direct deposits being posted by the vendor's financial institution late if payments were transmitted by SNRHA on the correct date. For example, when the first (1<sup>st</sup>) or the 15th falls on a Saturday or Holiday and the banks post the deposit on the next business day.

SNRHA will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond SNRHA's control, such as a delay in the receipt of program funds from HUD.

SNRHA will use administrative fee income or the administrative fee reserve as its only source for late payment penalty.

Part B is the body of the contract. It describes in detail program requirements affecting the owner and owner roles and responsibilities under the HCV program. Most of the requirements contained in Part B of the HAP contract are outlined elsewhere in this plan. Topics addressed in Part B include:

- Lease of Contract Unit
- Maintenance, Utilities, and Other Services
- Term of HAP Contract
- Provision and Payment of Utilities and Appliances
- Rent to Owner: Reasonable Rent
- SNRHA Payment to Owner
- Prohibition of Discrimination
- Owner's Breach of HAP Contract
- SNRHA and HUD Access to Premises and Owner's Records
- Exclusion of Third Party Rights
- Conflict of Interest



- Assignment of the HAP Contract
- Written Notices
- Entire Agreement Interpretation

Part C of the contract includes the Tenancy Addendum (Form HUD-52641-A). The addendum sets forth the tenancy requirements for the program and the composition of the household, as approved by SNRHA. The owner must sign the HUD Tenancy Addendum with the prospective tenant, and the tenant has the right to enforce the Tenancy Addendum against the owner. The terms of the Tenancy Addendum prevail over any other provisions of the lease.

### **13-II.C. HAP CONTRACT PAYMENTS**

#### **General**

During the term of the HAP contract, and subject to the provisions of the HAP contract, SNRHA must make monthly HAP payments to the owner on behalf of the family, at the beginning of each month. If a lease term begins after the first of the month, the HAP payment for the first month is prorated for a partial month.

The amount of the HAP payment is determined according to the policies described in Chapter 6, and is subject to change during the term of the HAP contract. SNRHA must notify the owner and the family in writing of any changes in the HAP payment.

HAP payments can be made only during the lease term, and only while the family is residing in the unit.

The monthly HAP payment by SNRHA is credited toward the monthly rent to owner under the family's lease. The total of the rent paid by the tenant, plus SNRHA HAP payment, should be equal to the rent specified in the lease (the rent to owner).

All HAP shall be paid via direct deposits only. There are no exceptions.

The family is not responsible for payment of the HAP payment, and SNRHA is not responsible for payment of the family share of rent.

The family's share of the rent cannot be more than the difference between the total rent to the owner and the HAP payment. The owner may not demand or accept any rent payment from the tenant in excess of this maximum [24 CFR 982.451(b)(4)]. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)]. See chapter 9 for a discussion of separate, non-lease agreements for services, appliances and other items that are not included in the lease.

If the owner receives any excess HAP from SNRHA, the excess amount must be returned immediately. If SNRHA determines that the owner is not entitled to all or a portion of the HAP, SNRHA may deduct the amount of overpayment from any amounts due to the owner, including amounts due under any other Section 8 HCV contract. See Chapter 16 for additional detail on owner reimbursement of HAP overpayments.



## **Owner Certification of Compliance**

Unless the owner complies with all provisions of the HAP contract, the owner is not entitled to receive housing assistance payments under the HAP contract [HAP Contract – Form HUD-52641].

By accepting the direct deposit from SNRHA, the owner certifies to compliance with the terms of the HAP contract. This includes certification that the owner is maintaining the unit and premises in accordance with HQS; that the contract unit is leased to the tenant family and, to the best of the owner's knowledge, the family resides in the unit as the family's only residence; the rent to owner does not exceed rents charged by the owner for comparable unassisted units on the premises; and that the owner does not receive (other than rent to owner) any additional payments or other consideration for rent of the contract unit during the HAP term.

## **Late HAP Payments [24 CFR 982.451(a)(5)]**

SNRHA is responsible for making HAP payments promptly when due to the owner, in accordance with the terms of the HAP contract. After the first two calendar months of the HAP contract term, the HAP contract provides for penalties if SNRHA fails to make the HAP payment on time.

Penalties for late HAP payments can only be imposed if 1) the penalties are in accordance with generally accepted local rental market practices and law governing penalties for late payment by tenants; 2) it is the owner's normal business practice to charge late payment penalties for both assisted and unassisted families; and 3) the owner charges the assisted family for late payment of the family's share of the rent.

SNRHA is not required to pay a late payment penalty if HUD determines that the payment is late for reasons beyond the PHA's control. In addition, late payment penalties are not required if SNRHA intentionally delays, abates or denies payment as a remedy to an owner breach of the HAP contract [HCV Guidebook p. 11-7].

## **Termination of HAP Payments [24 CFR 982.311(b)]**

SNRHA must continue making housing assistance payments to the owner in accordance with the HAP contract as long as the tenant continues to occupy the unit and the HAP contract is not violated.

HAP payments terminate when the HAP contract terminates or when the tenancy is terminated in accordance with the terms of the lease.

If the owner has initiated eviction proceedings against the family and the family continues to reside in the unit, SNRHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

### SNRHA Policy

The owner must inform SNRHA when the owner has initiated eviction proceedings against the family and the family continues to reside in the unit.



The owner must inform SNRHA when the owner has obtained a court judgment or other process allowing the owner to evict the tenant, and provide SNRHA with a copy of such judgment or determination.

After the owner has obtained a court judgment or other process allowing the owner to evict the tenant, SNRHA will continue to make HAP payments to the owner until the family actually moves from the unit or until the family is physically evicted from the unit, whichever is earlier. The owner must inform SNRHA of the date when the family actually moves from the unit or the family is physically evicted from the unit. In cases where the family moves and an eviction is received or a judgment that is not paid within 30 calendar days, the assistance shall be terminated.

### **13-II.D. BREACH OF HAP CONTRACT [24 CFR 982.453]**

Any of the following actions by the owner constitutes a breach of the HAP contract:

- If the owner violates any obligations under the HAP contract including failure to maintain the unit in accordance with HQS
- If the owner has violated any obligation under any other HAP contract under Section 8
- If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- 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 program; or if the owner has committed fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan
- If the owner has engaged in drug-related criminal activity
- If the owner has committed any violent criminal activity

If SNRHA determines that a breach of the HAP contract has occurred, it may exercise any of its rights and remedies under the HAP contract.

SNRHA rights and remedies against the owner under the HAP contract include recovery of any HAP overpayment, suspension of housing assistance payments, abatement or reduction of the housing assistance payment, termination of the payment or termination the HAP contract.

SNRHA may also obtain additional relief by judicial order or action.

SNRHA must notify the owner of its determination and provide in writing the reasons for the determination. The notice may require the owner to take corrective action by an established deadline. SNRHA must provide the owner with written notice of any reduction in housing assistance payments or the termination of the HAP contract.

#### SNRHA Policy

Before SNRHA revokes a remedy against an owner, SNRHA will evaluate all information and documents available to determine if the contract has been breached.



If relevant, SNRHA will conduct an audit of the owner's records pertaining to the tenancy or unit.

If it is determined that the owner has breached the contract, SNRHA will consider all of the relevant factors including the seriousness of the breach, the effect on the family, the owner's record of compliance and the number and seriousness of any prior HAP contract violations.

### **13-II.E. HAP CONTRACT TERM AND TERMINATIONS**

The term of the HAP contract runs concurrently with the term of the dwelling lease [24 CFR 982.451(a)(2)], beginning on the first day of the initial term of the lease and terminating on the last day of the term of the lease, including any lease term extensions.

The HAP contract and the housing assistance payments made under the HAP contract terminate if [HCV Guidebook pp.11-4 and 11-5, pg. 15-3]:

- The owner or the family terminates the lease;
- The lease expires;
- SNRHA terminates the HAP contract;
- SNRHA terminates assistance for the family;
- The family moves from the assisted unit. In this situation, the owner is entitled to keep the housing assistance payment for the month when the family moves out of the unit.
- 180 calendar days have elapsed since SNRHA made the last housing assistance payment to the owner;
- The family is absent from the unit for longer than the maximum period permitted by SNRHA.
- The Annual Contributions Contract (ACC) between the PHA and HUD expires
- SNRHA elects to terminate the HAP contract.
- Owner fails to submit required documents to SNRHA when there's a change of ownership/management that has lapsed 60 days of said change. The family will be issued a voucher to move and SNRHA shall not be responsible for any payments to the new owner/agent.

#### SNRHA Policy

SNRHA may elect to terminate the HAP contract in each of the following situations:

Available program funding is not sufficient to support continued assistance for families in the program [24 CFR 982.454];





The unit does not meet HQS size requirements due to change in family composition [24 CFR 982.403] – see chapter 8;

The unit does not meet HQS [24 CFR 982.404] – see Chapter 8;

The family breaks up [HUD Form 52641] – see Chapter 3;

The owner breaches the HAP contract [24 CFR 982.453(b)] – see Section 13-II.D.

If SNRHA terminates the HAP contract, SNRHA must give the owner and the family written notice. The notice must specify the reasons for the termination and the effective date of the termination. Once a HAP contract is terminated, no further HAP payments may be made under that contract [HCV Guidebook pg.15-4].

#### SNRHA Policy

In all cases, the HAP contract terminates at the end of the calendar month that follows the calendar month in which SNRHA gives written notice to the owner. The owner is not entitled to any housing assistance payment after this period, and must return to SNRHA any housing assistance payment received after this period.

If the family moves from the assisted unit into a new unit, even if the new unit is in the same building or complex as the assisted unit, the HAP contract for the assisted unit terminates. A new HAP contract would be required [HCV GB, p. 11-17].

When the family moves from an assisted unit into a new unit, the term of the HAP contract for the new unit may begin in the same month in which the family moves out of its old unit. This is not considered a duplicative subsidy [HCV GB, p. 8-22].

### **13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]**

The HAP contract cannot be assigned to a new owner without the prior written consent of SNRHA and the execution of a transfer of ownership document.

An owner under a HAP contract must notify SNRHA in writing prior to a change in the legal ownership of the unit. The new owner/agent must supply all information as requested by SNRHA.

Prior to approval of assignment to a new owner, the new owner must agree to be bound by and comply with the HAP contract. The agreement between the new owner and SNRHA must be in writing and in a form that SNRHA finds acceptable. The new owner must provide SNRHA with a copy of the executed agreement and recorded deed.

#### SNRHA Policy

Assignment of the HAP contract will be approved only if the new owner is qualified to become an owner under the HCV program according to the policies in Section 13-I.D. of this chapter.

The new owner must provide all required documents and a recorded deed prior to SNRHA making payments to a new vendor.



The new owner must complete any changes utilizing SNRHA's Landlord Portal by accessing the website at [www.snvrha.org](http://www.snvrha.org). SNRHA will not accept hand-carried, faxed, emailed, or mailed documents.

SNRHA required documents include but are not limited to:

- A recorded deed;
- A copy of the owner's IRS Form W-9/W-8, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;
- Authorization Agreement for Deposit (ACH Credits) and voided check/deposit slip
- Statement of Property Ownership/Authorization
- A copy of an active LLC (Limited Liability Company/Corporation)
- A Property Management Agreement, if applicable
- Additional documents may be required if applicable (i.e. court documents for receivership, trust, probate, mergers, etc.), and
- A signed agreement to comply with the terms of the HAP contract.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, SNRHA will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, SNRHA will process the leasing in accordance with the policies in Chapter 9.

Failure of the new owner to provide all documents as proof of ownership shall result in SNRHA issuing the family a voucher to move. No HAP payments shall be released to the new owner for the period of time in which he/she failed to provide documents.

### **13-II.G. FORECLOSURE (HUD 52641 and Notice PIH 2010-49)**

Families receiving HCV assistance are entitled to certain protections set forth under the Protecting tenants at Foreclosure Act (PTFA). Specifically, the HAP contract now contains language stating that in the case of any foreclosure, the immediate successor in interest in the property pursuant to the foreclosure will assume such interest subject to the lease between the prior owner and the tenant, and the HAP contract between the prior owner and SNRHA for the occupied unit. This provision of the HAP contract does not affect any state or local law that provides longer time periods or other additional protections for tenants.

If SNRHA learns that a property is in foreclosure, it must take the following actions:

- Make all reasonable efforts to determine the status of the foreclosure and ownership of the property. (Further guidance on how to obtain this information can be found in Notice PIH (2010-49).
- Continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.



- Attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. The written agreement should include a request for the owner information, such a tax identification number, and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.
- Inform the tenant that they must continue to pay rent in accordance with the lease, and if the successor in interest refuses to accept payments or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction.

SNRHA Policy:

SNRHA shall provide all HCV participants that have been issued a voucher with information regarding the PTFA and to participant's head of household at annual recertification.



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## Chapter 14 PROGRAM ADMINISTRATION

### INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this plan. The policies are discussed in seven parts as described below:

Part I: Administrative Fee Reserve. This part describes SNRHA's policies with regard to oversight of expenditures from its administrative fee reserve.

Part II: Setting Program Standards and Schedules. This part describes what payment standards are, and how they are updated, as well as how utility allowances are established and revised.

Part III: Informal Reviews and Hearings. This part outlines the requirements and procedures for informal reviews and hearings, and for informal hearings regarding citizenship status.

Part IV: Owner or Family Debts to SNRHA. This part describes policies for recovery of monies SNRHA has overpaid on behalf of families, or to owners, and describes the circumstances under which the PHA will offer repayment agreements to owners and families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part V: Section 8 Management Assessment Program (SEMAP). This part describes what the SEMAP scores represent, how they are established, and how those scores affect SNRHA.

Part VI: 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 SNRHA will follow.

Part VII: Reporting and Record Keeping for Children with Elevated Blood Lead Level. This part describes SNRHA's responsibilities for reporting, data collection, and record keeping relative to children with elevated blood lead levels that are less than six years of age, and are receiving HCV assistance.

Part VIII: Determination of Insufficient Funding. This part describes SNRHA's policies for determining if there is sufficient funding to issue vouchers, to approve moves to higher cost units or areas, and to continue assistance for all participant families.

### **PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]**

SNRHA must maintain an administrative fee reserve for the program to pay program administrative expenses in excess of administrative fees paid by HUD for a SNRHA fiscal year. Since FFY 2004, the use of administrative fee reserves, called Unrestricted Net Position (UNP), is restricted to activities related to rental assistance under the Section 8 program, including development activities.



If SNRHA has not adequately administered any Section 8 program, HUD may prohibit use of funds in the administrative fee reserve, and may direct SNRHA to use funds in the reserve to improve administration of the program or to reimburse ineligible expenses. HUD also may prohibit use of the funds for certain purposes.

HUD requires the SNRHA Board of Commissioners or other authorized officials to establish the maximum amount that may be charged against the administrative fee reserve without specific approval.

#### SNRHA Policy

Expenditures from the administrative fee reserve will be made in accordance with all applicable Federal requirements. Expenditures will not exceed \$25,000 per occurrence nor more than \$100,000 in the aggregate for each fiscal year without the prior approval of the SNRHA Board of Commissioners. Payments to participants or landlords that occur due to staff error in rent calculation will be paid from the Administrative fee reserve with the written approval of the Director of Housing Program or their designee. HCV administrative fee can only be utilized for the administration of the HCV Program or development related directly to the HCV Program.

## **PART II: SETTING PROGRAM STANDARDS AND SCHEDULES**

### **14-II.A. OVERVIEW**

Although many of the program's requirements are established centrally by HUD, the HCV program's regulations recognize that some flexibility is required to allow SNRHA to adapt the program to local conditions. This part discusses how SNRHA establishes and updates certain schedules and standards that are used to administer the program locally. Details about how these schedules are applied to individual families are provided in other chapters. The schedules and standards discussed here include:

- *Payment Standards*, which dictate the maximum subsidy a family can receive (application of the payment standards is discussed in Chapter 7); and
- *Utility Allowances*, which specify how a family's payment should be adjusted to account for tenant-paid utilities (application of utility allowances is discussed in Chapter 7).

#### SNRHA Policy

Copies of the payment standard and utility allowance schedules are available for review in SNRHA's offices during normal business hours and will be posted on SNRHA's website.

Families, owners, and members of the public may submit written comments on the schedules discussed in this part, at any time, for consideration during the next revision cycle.

SNRHA will retain documentation to support its annual review of payment standards and utility allowance schedules for at least 3 years.



## **14-II.B. PAYMENT STANDARDS [24 CFR 982.503; HCV GB, Chapter 7]**

The payment standard sets the maximum subsidy payment a family can receive from SNRHA each month [24 CFR 982.505(a)]. Payment standards are based on fair market rents (FMRs) published annually by HUD. FMRs are set at a percentile within the rent distribution of standard quality rental housing units in each FMR area. For most jurisdictions FMRs are set at the 40th percentile of rents in the market area.

SNRHA must establish a payment standard schedule that establishes payment standard amounts for each FMR area within SNRHA's jurisdiction, and for each unit size within each of the FMR areas. For each unit size, SNRHA may establish a single payment standard amount for the whole FMR area, or may set different payment standards for different parts of the FMR area. Unless HUD grants an exception, SNRHA is required to establish a payment standard within a "basic range" established by HUD – between 90 and 110 percent of the published FMR for each unit size.

### **Updating Payment Standards**

When HUD updates its FMRs, SNRHA must update its payment standards if the standards are no longer within the basic range [24 CFR 982.503(b)]. HUD may require SNRHA to make further adjustments if it determines that rent burdens for assisted families in SNRHA's jurisdiction are unacceptably high 24 CFR 982.503(g)].

#### SNRHA Policy

SNRHA will review the appropriateness of the payment standards on an annual basis when the new FMR is published. In addition to ensuring the payment standards are always within the "basic range" SNRHA will consider the following factors when determining whether an adjustment should be made to the payment standard schedule:

**Funding Availability:** SNRHA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. SNRHA will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.

**Rent Burden of Participating Families:** Rent burden will be determined by identifying the percentage of families, for each unit size, that are paying more than 30 percent of their monthly adjusted income as the family share. When 40 percent or more of families, for any given unit size, are paying more than 30 percent of adjusted monthly income as the family share, SNRHA will consider increasing the payment standard. In evaluating rent burdens, SNRHA will not include families renting a larger unit than their family unit size.

**Quality of Units Selected:** SNRHA will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.



**Changes in Rent to Owner:** SNRHA may review a sample of the units to determine how often owners are increasing or decreasing rents and the average percent of increases/decreases by bedroom size.

**Unit Availability:** SNRHA will review the availability of units for each unit size, particularly in areas with low concentrations of poor and minority families.

**Lease-up Time and Success Rate:** SNRHA will consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

Effective dates of changes to payment standard amounts will be determined at time of update. The PHA will always ensure the payment standards will be within the basic range.

### **Exception Payment Standards [24 CFR 982.503(c)]**

According to HUD’s Final Rule dated March 8, 2016, entitled “Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule,” the PHA may establish an exception payment standard of not more than 120 percent of the published FMR (fair market rent) if required as a reasonable accommodation in accordance with 24 CFR part 8 for a family that includes a person with a disability. Any unit approved under an exception payment standard must still meet the reasonable rent requirements found at 24 CFR 982.507.

SNRHA must request HUD approval to establish payment standards that are higher than the basic range. At HUD’s sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception payment standard amount (in accordance with program requirements) for all units, or for all units of a given size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD-approved exception payment standard amount. The total population of all HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.

### **Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]**

PHAs that administer vouchers in a metropolitan area where the adoption of small area FMRs (SAFMRs) is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

#### SNRHA Policy

SNRHA will not voluntarily adopt the use of SAFMRs.

### **Unit-by-Unit Exceptions [24 CFR 982.503(b), 24 CFR 982.505(d), Notice PIH 2010-26]**

Unit-by-unit exceptions to SNRHA’s payment standards generally are not permitted. However, an exception may be made as a reasonable accommodation for a family that includes a person with disabilities. (See Chapter 2 for a discussion of reasonable accommodations.) This type of exception does not affect SNRHA’s payment standard schedule.





When needed as a reasonable accommodation, SNRHA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 120 percent of the applicable FMR for the unit size [24 CFR 982.503(b)]. SNRHA may request HUD approval for an exception to the payment standard for a particular family if the required amount exceeds 120 percent of the FMR.

#### SNRHA Policy

A family that requires a reasonable accommodation may request a higher payment standard at the time the Request for Tenancy Approval (RFTA) is submitted. The family must document the need for the exception which shall be verified via third party verification. In order to approve an exception, or request an exception from HUD, the PHA must determine that:

The family's TTP would otherwise exceed 40 percent of adjusted monthly income; and

The rent for the unit is reasonable.

#### **"Success Rate" Payment Standard Amounts [24 CFR 982.503(e)]**

If a substantial percentage of families have difficulty finding a suitable unit, SNRHA may request a "success rate payment standard" that applies to the entire jurisdiction. If approved by HUD, a success rate payment standard allows SNRHA to set its payment standards at 90-110 percent of a higher FMR (the 50<sup>th</sup>, rather than the 40<sup>th</sup> percentile FMR). To support the request, SNRHA must demonstrate that during the most recent 6-month period for which information is available:

- Fewer than 75 percent of families who were issued vouchers became participants;
- SNRHA had established payment standards for all unit sizes, and for the entire jurisdiction, at 110 percent of the published FMR; and
- SNRHA had a policy of allowing voucher holders who made sustained efforts to locate units at least 120 calendar days to search for a unit.

Although HUD approves the success rate payment standard for all unit sizes in the FMR area, SNRHA may choose to adjust the payment standard for only some unit sizes in all, or a designated part, of the PHA's jurisdiction within the FMR area.

#### **Decreases in the Payment Standard below the Basic Range [24 CFR 982.503(d)]**

SNRHA must request HUD approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve establishment of a payment standard lower than the basic range. HUD will not approve a lower payment standard if the family share for more than 40 percent of program participants exceeds 30 percent of adjusted monthly income.

#### **14-II.C. UTILITY ALLOWANCES [24 CFR 982.517]**



A SNRHA-established utility allowance schedule is used in determining family share and SNRHA subsidy. SNRHA must maintain a utility allowance schedule for (1) all tenant-paid utilities, (2) the cost of tenant-supplied refrigerators and ranges, and (3) other tenant-paid housing services such as trash collection.

The utility allowance schedule must be 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, SNRHA must use normal patterns of consumption for the community as a whole, and current utility rates.

The utility allowance must include the utilities and services that are necessary in the locality to provide housing that complies with housing quality standards. Costs for telephone, cable/satellite television, and internet services are not included in the utility allowance schedule.

In the utility allowance schedule, SNRHA must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection; other electric; cost of tenant-supplied refrigerator; cost of tenant-supplied range; and other specified housing services.

The cost of each utility and housing service must be stated separately by unit size and type. Chapter 18 of the *HCV Guidebook* provides detailed guidance to SNRHA about establishing utility allowance schedules.

### **Air Conditioning**

An allowance for air-conditioning must be provided when the majority of housing units in the market have central air-conditioning or are wired for tenant-installed air conditioners.

#### SNRHA Policy

SNRHA has included an allowance for air-conditioning in its utility allowance schedule. Central air-conditioning or a portable air conditioner must be present in a unit before SNRHA will apply this allowance to a family's rent and subsidy calculations.

### **Reasonable Accommodation**

HCV program regulations require SNRHA to approve a utility allowance amount higher than shown on SNRHA's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, SNRHA will approve an allowance for air-conditioning, even if SNRHA has determined that an allowance for air-conditioning generally is not needed (See Chapter 2 for policies regarding the request and approval of reasonable accommodations).

### **Utility Allowance Revisions**

SNRHA must review its schedule of utility allowances each year, and must revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised.

SNRHA must maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.

## **PART III: GRIEVANCE POLICY AND PROCEDURE**



## I. OVERVIEW

When SNRHA makes a decision that has a negative impact on a family, the family is often entitled to dispute the decision. For applicants, the dispute takes the form of an informal review; for participants, or for applicants denied admissions because of citizenship issues, the dispute takes the form of an informal hearing. For public housing and Rental Assistance Demonstration (RAD) residents the dispute can be a multi-step process involving an informal settlement meeting and if needed a formal hearing. SNRHA will only offer the opportunity for an informal review, informal hearing or formal hearing when required to do so by regulation.

## II. SNRHA GRIEVANCE PROCEDURE SUMMARY:

The Southern Nevada Regional Housing Authority (SNRHA) Grievance Policy and Procedure is available to all applicants, participants and residents of the following SNRHA Housing Program:

- Conventional Public Housing Program
- Section 8 Housing Choice Voucher Program
- Rental Assistance Demonstration (RAD) Program
- Project Based Voucher Program

The purpose of the SNRHA Grievance Procedure is to provide applicants, participants and residents an opportunity for a hearing and/or due process review of SNRHA decisions that adversely affect their housing assistance.

## III. DEFINITIONS:

For the purpose of the SNRHA Grievance Policy and Procedure, the following definitions shall be applicable:

Adverse Action means a decision made by SNRHA to terminate or deny housing assistance to a family.

Applicant means a family who requests SNRHA housing assistance by submitting an application for housing to the following housing program(s) but is not yet a participant or resident:

- Conventional Public Housing
- Section 8 Housing Choice Voucher Program
- Rental Assistance Demonstration (RAD) Program
- Project Based Voucher Program

Asset Manager means the SNRHA employee who is responsible for the day to day operations of the public housing community that the Grievant resides in.

Business Days means days that SNRHA is open for business. This does not include weekends or holidays.



Calendar Days means consecutive days on the calendar including weekends and holidays.

Conventional Public Housing Program means federally subsidized housing owned and managed by SNRHA.

Decision means a written determination of a Grievance prepared by the SNRHA Hearing Officer.

Denial means a refusal affecting a person's eligibility status.

Dispute means to question the validity or truth of an administrative action taken by SNRHA.

Family means the individual who is listed as the head of household on a SNRHA housing application and/or all persons listed as residents on a Public Housing Lease Agreement, or Section 8 Housing Choice Voucher Program participant.

Formal Hearing means an impartial review of a grievance and all related oral and documentary evidence, conducted by an impartial third party designated by SNRHA.

Grievance means a dispute submitted by a SNRHA applicant, participant or resident about a SNRHA decision that adversely affects the family's housing assistance or eligibility thereof.

Grievant means an applicant, public housing resident, Section 8 Housing Choice Voucher participant or Rental Assistance Demonstration tenant who submits the dispute referenced in the paragraph above.

Hearing means an impartial review of a grievance and all related oral and documentary evidence, conducted by an impartial third party designated by SNRHA.

HUD means the Department of Housing and Urban Development.

Informal Hearing means an informal process conducted by the Hearing Officer or designated person to review oral and documentary evidence pertinent to the facts and issues raised when a Section 8 Housing Choice Voucher participant disputes an adverse action which has been taken or is proposed to be taken by SNRHA.

Informal Review means a review of a grievance and all related oral and documentary evidence, of the decision that gave rise to the grievance, conducted by the SNRHA official, a designee, or Hearing Officer, in consultation with the grievant.

Informal Settlement means a written agreement between a SNRHA Asset Manager and a Public Housing Resident or a Property Manager and a Rental Assistance Demonstration (RAD) tenant that resolves a grievance without a formal hearing.

Involuntarily Displaced means having to move from a residence through no fault of your own.

Live-In Aide means a person who resides with a disabled household member, whose sole purpose is to provide 24 hour/7 day a week care for the disabled household member and who would not otherwise be living in the assisted unit. A Live-In Aide is not considered a member of the resident family even if the person is a relative of the family, and has no right to retain the assistance of the



disabled household member.

Participant means a family in the Section 8 Housing Choice Voucher Program that holds a valid voucher issued by SNRHA; or Currently occupies a unit assisted under the Section 8 Program; or Continues to occupy an assisted unit after the SNRHA suspends housing assistance payments due to landlord default, but does not have a transfer voucher; or Vacates an assisted unit before requesting a transfer voucher for reasons beyond their control; or Has made a timely request for a transfer voucher; or Has made a timely request for an informal Hearing.

Preponderance of Evidence means 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 proven 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.

Resident means adult persons listed on a SNRHA public housing lease who live in a SNRHA public housing apartment or scattered site home; or Resides in the unit, and who is the remaining family member of the resident family. This definition does not include those adults designated as Live-In Aides.

Section 8 Housing Choice Voucher (HCV) Program means federally assisted housing program administered through the SNRHA and where landlords own the units in the private sector.

SNRHA means the Southern Nevada Regional Housing Authority.

Substandard Housing means a unit that is not livable according to HUD definition.

Tenant means adult persons listed on a lease who live in a SNRHA Rental Assistance Demonstration (RAD) housing unit; or Resides in the unit, and who is the remaining family member of the resident family. This definition does not include those adults designated as Live-In Aides.

Unit means a residential space for the private use of a family.

#### **IV. GRIEVANCE PROCEDURES**

##### **A. INFORMAL REVIEWS**

Informal Reviews are provided for program applicants. The Informal Review is intended to provide a “minimum hearing requirement” and need not be as elaborate as Informal or review shall be submitted to the department that issued the notice. In the case of waiting list ineligibility, the request would be submitted to:

SNRHA Admissions Department  
5390 East Flamingo Road  
Las Vegas, Nevada 89122

##### **1. The Informal Review Meeting Notification**

Upon receipt of the hearing packet, the Hearing Officer shall review the packet and determine whether the determination of ineligibility and the request for an informal review has been made in accordance with HUD regulations and SNRHA Policy.



- If the Hearing Officer determines that the determination of ineligibility was not in accordance with HUD regulations or SNRHA Policy, the Department will be notified that an error has been made with instructions to reinstate the applicant's file.
- If the Hearing Officer determines that the request for an informal review has not been made in accordance with SNRHA Policy, the Hearing Officer will send a notice of denial of the informal review request with an explanation of why the request has been denied.
- If the Hearing Officer determines that the notification of ineligibility and the request for an informal review comply with regulations and policies, an appointment for the informal review will be scheduled within ten (10) business days of receipt of the hearing packet.
- A written notice of the appointment will be mailed to the address the client indicated on the informal review request form or the last known address, if no address is provided. The appointment letter must include the following:

- Client name
- Client number
- Appointment date and time
- Appointment location
- Grievant Rights and Responsibilities
- list ineligibility, the request would be submitted to:  
SNRHA Admissions Department  
5390 East Flamingo Road  
Las Vegas, Nevada 89122

- a. Upon receipt of the request, the Department Head or his/her designee shall review the request and the applicant's file to determine if the notification is in accordance with HUD regulations and SNRHA Policy.
  - If the Department Head or his/her designee determines that the notification of ineligibility was in error, the file will be reinstated and no informal review will be required.
  - If the Department Head or his/her designee determines that no errors have been made, a hearing packet will be forwarded to the hearing office for processing. The hearing packet must include the following:
    1. The notice of ineligibility
    2. The application for assistance
    3. Any documentary evidence to be presented at the informal review appointment.
    4. A cover sheet with the client name, client number, the program, a description of the determination.



If the family fails to appear for their informal review, the denial of admissions will stand and the family will be so notified. Failure to appear for in person Informal Review appointment within fifteen (15) minutes of the scheduled appointment time OR ten (10) minutes for telephonic/internet platform appointment will be considered failure to appear.

## B. INFORMAL SETTLEMENT MEETING

Residents/Tenants of the Conventional Public Housing or Rental Assistance Demonstration (RAD) Programs who are notified of a decision that adversely affects the resident's rights, duties, welfare or status as a Resident/Tenant may submit a Grievance in writing to the Manager's office to determine whether the Grievance can be settled informally.

### 1- Informal Settlement Meeting

After receiving notice of the adverse action from the Management Office, the written grievance request must be personally presented to the management office with jurisdiction for the unit in which the grievant resides within ten (10) calendar days. Upon written receipt from a resident/tenant, the Manager shall schedule a meeting with the grievant to discuss the issues presented by the Notice of Adverse Action. The purpose of the meeting is to determine whether the Grievance can be resolved without a Formal hearing.

The Manager will review the request, schedule and conduct the meeting within ten (10) calendar days.

The grievant will be given written notice of the appointment. The appointment letter must include the following:

- Client name
- Client number
- Appointment date and time
- Appointment location
- Grievant rights and responsibilities

The meeting may be held in person at a location specified in the appointment letter or may be held telephonically or via a secure internet platform.

The Manager and resident/tenant will discuss the grievance informally; an attempt will be made to settle the grievance informally, by discussion, without a hearing.

If the grievant does not request a Grievance within ten (10) calendar days of the Notice of Adverse Action, the disposition of the action shall become final. Failure to request a hearing shall not constitute a waiver by the grievant of his/her right to contest the action in disposing of the grievance in an appropriate judicial proceeding.

The grievant may not skip the Informal Settlement Meeting in order to request a Formal Hearing.



## 2- Informal Settlement Meeting Summary

The Manager shall prepare a written summary of the meeting discussion setting forth the following:

- The date of the Settlement Meeting
- The nature of the grievance
- The persons in attendance
- The nature of the proposed disposition and the specific reasons therefore
- The Formal Hearing request procedures (including the request form)

The written summary shall be prepared and provided to the Grievant within five (5) business days of the date of the meeting. A copy of the letter must be mailed to the grievant with proof of mailing via certificate of mail.

If the Grievant is not satisfied with the results of the Informal Settlement of Grievance meeting, the grievant may request a Formal Hearing, in writing, within ten (10) calendar days.

## C. FORMAL HEARING

If no informal settlement agreement is reached during the informal settlement meeting, the Grievant has the right to request a Formal Hearing. A Formal Hearing is a formal process conducted by the Hearing Officer to review oral and documentary evidence pertinent to the facts and issues raised when a resident/tenant disputes an adverse action, which has been taken or is proposed to be taken by the SNRHA or the Manager.

### 1 - Hearing Request

The grievant may request a hearing by submitting a written hearing request to the Manager or SNRHA Central Office at SNRHA Hearing Office 340 N. 11<sup>th</sup> Street Las Vegas, NV 89101, within ten (10) calendar days of the date of the written Informal Settlement Meeting Summary.

If the grievant does not request a formal hearing within ten (10) calendar days of the Informal Settlement Summary, the disposition of the grievance shall become final. Failure to request a formal hearing shall not constitute a waiver by the grievant of his/her right to contest action in disposing of the grievance in an appropriate judicial proceeding.

The written hearing request must specify:

- The reason for the grievance
- The action or relief sought
- How the adverse action violates the resident/tenant's lease or other rule or regulation, as well as the resident/tenant's rights, duties, welfare or status.

Notwithstanding scheduling conflicts, the formal hearing shall be scheduled and conducted within ten (10) business days of the date the Hearing Officer receives the hearing request.





The grievant shall be given written notice of the appointment. The appointment letter must include the following:

- Client name
- Client number
- Appointment date and time
- Appointment location
- Grievant Rights and Responsibilities

The meeting may be held in person at a location designated by the Hearing Officer or may be held telephonically or via a secure internet platform.

## 2 - Hearing Procedure

The Formal Hearing shall be conducted by an impartial, third-party, Hearing Officer, designated by SNRHA. The Formal Hearing shall be governed by the following due process considerations:

- A description of the issues and evidence presented
- Prior to the hearing, the grievant shall be afforded the opportunity to review all related documentary evidence maintained by management and allowed to copy any documents in their file at a cost of \$1.00 per page after the first twenty-five (25) pages. If a third party requests the documents, they must pay \$1.00 per page starting with the first page and have a written release of information signed by the resident/tenant. Requests for copies of documents must be submitted in writing and SNRHA will have four days to process the request. Documents must be picked up within three (3) days of the date they are completed and shall not be given out prior to payment. Payment must be by money order or cashier's check; or if from a legal representative, a check from the company shall be acceptable. Evidence not made available to the Grievant, upon request, may not be used by management at the time of the hearing.
- The grievant shall be afforded the right to be represented by counsel and/or to designate a representative.
- The grievant shall be afforded the right to confront and cross-examine all Management's witnesses on whose testimony or information management will rely and to present testimony and/or documentary evidence to support his/her position.
- *A prior determination on the same issue involving the same grievant shall be binding on the grievant and management.*
- Failure to appear at the Formal Hearing, without prior notification and approval may result in dismissal of the Grievance and the intended action being upheld. Failure to appear for in person Formal Hearing appointment within fifteen (15) minutes of the scheduled appointment time OR ten (10) minutes for telephonic/internet platform appointment will be considered *failure to appear.*



### 3 Formal Hearing Decision

The Formal Hearing decision shall be based solely on the evidence and testimony presented during the hearing. No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. “Documents” includes records and regulations.

The Hearing Officer may ask the family for additional information or documentation and/or might adjourn the hearing to reconvene at a later date, before reaching a decision, but must render a decision within eight (8) business days of the initial hearing regardless of the request for additional information.

Within eight (8) business days of the date of the hearing, the Hearing Officer shall prepare a written decision that sets forth the following:

- *Hearing Information*
  - The date, time and location of the hearing
  - The names of the parties and their representatives in attendance at the hearing
  - The name of the Hearing Officer
- *Background*
  - A brief, impartial statement of the reason for the 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.
- *Finding of Facts*
  - The hearing officer will include all findings of fact, based on a preponderance of evidence.
- *Conclusion*
  - The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of evidence. This conclusion will result in a determination of whether these facts uphold the Proposed action.
- *Order*
  - The hearing officers written decision letter will include a statement of whether the proposed action is upheld or overturned. If it is overturned, the hearing officer will instruct management to restore the grievant’s program status.



The decision of the Hearing Officer is binding on management unless:

- The grievance does not concern SNRHA/management actions or failure to act, or that it did not concern a decision that adversely affected the grievant's lease, rights, rules, duties, welfare or status; or
- A determination is made that the Hearing Officer's decision violates the requirements of the Annual contributions Contract between SNRHA and HUD; or
- For matters in which SNRHA is not required to provide an opportunity for a hearing; or
- Decisions that exceed the authority of the hearing officer; or
- Decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to Federal, State, or Local laws, requirements of the annual contribution contract between SNRHA and HUD.

The decision of the Hearing Officer in favor of SNRHA or which denies the relief requested by the grievant shall not constitute a waiver of, nor affect in any manner, the Grievant's right to institute legal action against SNRHA in a court of competent jurisdiction regarding the subject matter of the Grievance. The Grievant may utilize due process through the Court.

#### 4 – Hearing Decisions Regarding Eviction

A decision of the Hearing Officer in favor of the grievant must specify which provision of the resident's lease, other rule, SNRHA policy, procedure, or regulation has been violated. The remedy granted by the Hearing Officer may not violate:

- Local, State or Federal law;
- Resident's lease;
- SNRHA rules of regulations;
- SNRHA Annual Contribution Contract with the Federal Government; or
- Federal regulations applicable to SNRHA

When the Hearing Officer affirms the SNRHA decision to terminate the Grievant's tenancy, SNRHA/management must follow applicable State law to implement the eviction including, but not limited to:

- Providing all requisite notices
- Abiding by all applicable judicial determinations, including those that overrule the Hearing Officer's Decision.

In no event shall the notice to vacate be issued prior to the decision of the Hearing Officer having been mailed or delivered to the grievant.

#### D. EXPEDITED GRIEVANCE PROCEDURE

An expedited hearing may be requested and/or conducted to address a Grievance involving:

- Proposed Termination of tenancy due to criminal activity that threatens the health, safety or right to peaceful enjoyment of the housing community; or
- Proposed termination of tenancy due to drug-related criminal activity on or



off the housing premises.

The expedited hearing procedure shall be listed on all Notices involving allegations of the foregoing criminal activity. The manager of the development in which the resident resides may elect to expedite a hearing due to the gravity of alleged activity. The manager in doing so, must contact the Hearing Officer within twenty-four (24) hours after service of the notice to request that the procedure be expedited.

- Upon notification by the manager, the Hearing Officer will schedule the Expedited Hearing to take place within three (3) business days.
- The Hearing Officer will create an appointment letter, which the manager will hand deliver to the resident or post on the resident's door. The Hearing Officer will also send a copy by regular mail via the United States Postal Service.
- After completion of the Expedited Hearing, the Hearing Officer will render a decision within three (3) business days.
- A copy of the decision letter will be forwarded to the manager and the original will be mailed to the resident by regular mail via the United States Postal Service.
- The manager may hand deliver a copy of the letter to the resident in order to expedite the notice to the resident.

#### E. INFORMAL HEARINGS FOR PARTICIPANTS

SNRHA must offer an Informal Hearing for certain SMNRHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the HCV program and is currently assisted in the program. The purpose of the Informal Hearing is to consider whether SNRHA's determination related to the family's circumstances were in accordance with the law, HUD regulations and SNRHA policies.

SNRHA is not permitted to terminate a family's assistance until the time allowed for the family to request an Informal Hearing has elapsed and any requested hearing has been completed. SNRHA will provide a thirty (30) day notice or more prior to termination unless the family has been confirmed as a skip or a deceased person. This shall provide adequate time for the participant to request a hearing and a hearing to be scheduled. Deceased clients with no eligible remaining family member shall have the contract terminated the last day of the month in which the death occurred.

##### 1- Informal Hearing Request

The grievant may request a hearing by submitting a written hearing request to the HCV Department at 380 N. Maryland Pkwy Las Vegas, NV 89101 or SRHA Central Office at SNRHA Hearing Office 340 N. 11<sup>th</sup> Street Las Vegas, NV 89101, within ten (10) calendar days of the date of notice of adverse action.

If the grievant does not request an informal hearing within ten (10) calendar days of the notice of adverse action, the notice of adverse action shall become final. Failure to



request an informal hearing shall not constitute a waiver by the grievant of his/her right to contest action in disposing of the grievance in an appropriate judicial proceeding.

The written hearing request must specify:

- The reason for the grievance
- The action or relief sought
- How the adverse action violates the participant's rights, duties, welfare or status.

Notwithstanding scheduling conflicts, the informal hearing shall be scheduled and conducted within ten (10) business days of the date the Hearing Officer receives the hearing request.

The grievant shall be given written notice of the appointment. The appointment letter must include the following:

- Client name
- Client number
- Appointment date and time
- Appointment location
- Grievant Rights and Responsibilities

The meeting may be held in person at a location designated by the Hearing Officer or may be held telephonically or via a secure internet platform.

## 2- Informal Hearing Procedure

The Informal Hearing shall be conducted by an impartial, third-party, Hearing Officer, designated by SNRHA. The Informal Hearing shall be governed by the following due process considerations:

- A description of the issues and evidence presented
- Prior to the hearing, the grievant shall be afforded the opportunity to review all related documentary evidence maintained by management and allowed to copy any documents in their file at a cost of \$1.00 per page after the first twenty-five (25) pages. If a third party requests the documents, they must pay \$1.00 per page starting with the first page and have a written release of information signed by the resident/tenant. Requests for copies of documents must be submitted in writing and SNRHA will have four days to process the request. Documents must be picked up within three (3) days of the date they are completed and shall not be given out prior to payment. Payment must be by money order or cashier's check; or if from a legal representative, a check from the company shall be acceptable. Evidence not made available to the Grievant, upon request, may not be used by management at the time of the hearing.
- The grievant shall be afforded the right to be represented by counsel and/or to designate a representative.
- The grievant shall be afforded the right to confront and cross-examine all



SNRHA's witnesses on whose testimony or information SNRHA will rely and to present testimony and/or documentary evidence to support his/her position.

- ***A prior determination on the same issue involving the same grievant shall be binding on the grievant and SNRHA.***
- Failure to appear at the Informal Hearing, without prior notification and approval may result in dismissal of the Grievance and the intended action being upheld. Failure to appear for in person Informal Hearing appointment within fifteen (15) minutes of the scheduled appointment time OR ten (10) minutes for telephonic/internet platform appointment will be considered *failure to appear.*

### 3- Informal Hearing Decision

The Informal Hearing decision shall be based solely on the evidence and testimony presented during the hearing. No documents may be presented which have not been provided to the other party before the hearing if requested by the other party.

The Hearing Officer may ask the family for additional information or documentation and/or might adjourn the hearing to reconvene at a later date, before reaching a decision, but must render a decision within ten (10) business days of the initial hearing regardless of the request for additional information.

Within eight (8) business days of the date of the hearing, the Hearing Officer shall prepare a written decision that sets forth the following:

- *Hearing Information*
  - The date, time and location of the hearing
  - The names of the parties and their representatives in attendance at the hearing
  - The name of the Hearing Officer
- *Background*
  - A brief, impartial statement of the reason for the 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.
- *Finding of Facts*
  - The hearing officer will include all findings of fact, based on a preponderance of evidence.



- *Conclusion*
  - The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of evidence. This conclusion will result in a determination of whether these facts uphold the Proposed action.
  
- *Order*
  - The hearing officers written decision letter will include a statement of whether the proposed action is upheld or overturned. If it is overturned, the hearing officer will instruct management to restore the grievant's program status.

The decision of the Hearing Officer is binding on SNRHA unless:

- The grievance does not concern SNRHA actions or failure to act, or that it did not concern a decision that adversely affected the Grievant's lease, rights, rules, duties, welfare or status; or
- A determination is made that the Hearing Officer's decision violates the requirements of the Annual contributions Contract between SNRHA and HUD; or
- For matters in which SNRHA is not required to provide an opportunity for a hearing; or
- Decisions that exceed the authority of the hearing officer; or
- Decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to Federal, State, or Local laws, requirements of the annual contribution contract between SNRHA and HUD.

The decision of the Hearing Officer in favor of SNRHA or which denies the relief requested by the grievant shall not constitute a waiver of, nor affect in any manner, the Grievant's right to institute legal action against SNRHA in a court of competent jurisdiction regarding the subject matter of the Grievance.

The Grievant may utilize due process through the Court.

#### F. HEARING AND APPEAL PROVISIONS FOR NON-CITIZENS

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an Informal Hearing, not an Informal Review.

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 the SNRHA hearing is pending, but assistance to an applicant may be delayed pending completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the SNRHA informal hearing process, does not preclude the family from exercising the right, that



may be otherwise available, to seek redress directly through judicial procedures.

The notice of denial or termination of assistance for noncitizens must advise the family:

- That assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination.
- The family may be eligible for proration of assistance.
- In the case of an HCV participant, 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 the right to request an appeal to the USCIS of the results of the 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 SNRHA 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.

#### 1- USCIS Appeal Process [24 CFR 5.514(e)]

When SNRHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, SNRHA must notify the family of the results of the USCIS verification within ten (10) calendar days.

The family will have thirty (30) calendar 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 SNRHA with a copy of the written request for appeal and the proof of mailing.

#### 2- 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, the family may request SNRHA provide a hearing.

The request for a hearing must be made either within thirty (30) calendar days of the date of the SNRHA notice of denial, or within thirty (30) calendar days of the USCIS appeal decision.

#### 3- Informal Hearing Officer

SNRHA must provide an informal hearing before an impartial individual, other than the 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. SNRHA has a designated Hearing Officer who will conduct such hearings.





#### 4- Evidence

The family must be provided the opportunity to examine and copy at the family's expense, and at a reasonable time in advance of the hearing, any documents in the possession of SNRHA 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.

- The family shall be afforded the opportunity to review all related documentary evidence maintained by management and allowed to copy any documents in their file at a cost of \$1.00 per page after the first twenty-five (25) pages. If a third party requests the documents, they must pay \$1.00 per page starting with the first page and have a written release of information signed by the resident/tenant. Requests for copies of documents must be submitted in writing and SNRHA will have four days to process the request. Documents must be picked up within three (3) days of the date they are completed and shall not be given out prior to payment. Payment must be by money order or cashier's check; or if from a legal representative, a check from the company shall be acceptable.

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 SNRHA, and to confront and cross-examine all witnesses on whose testimony or information SNRHA relies.

#### 5- Representation and Interpreter Services

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 request an interpreter. Upon request, SNRHA will provide competent interpretation services, free of charge.

#### 6- Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape at their expense.

- HUD's Final Rules dated March 8, 2-16, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule", states the hearing officer must maintain a log of all hearings. HUD shall provide the details of that log at a future date and SNRHA shall ensure compliance. HUD has also clarified that any party may obtain a copy of the hearing transcript *at their own expense*. Therefore, SNRHA shall ensure all hearings are recorded.



## 7- Hearing Decisions

SNRHA must provide the family with a written final decision, based solely on the facts presented at the hearing, within eight (8) business days of the date of the informal hearing. The decision must state the basis for the decision.

The Hearing Officer's decision will be binding on SNRHA unless SNRHA's Board of Commissioners determines that:

- The grievance does not concern PHA actions or failure to act in accordance with or involving the grievant's rights, duties, welfare or status; or
- The decision of the Hearing Officer is contrary to applicable Federal, State, Local laws, HUD regulations or requirements of the Annual Contribution contract between HUD and SNRHA.

A decision by the hearing officer in favor of SNRHA or which denies the relief requested by the Grievant in whole or in part will not constitute a waiver of, nor affect in any manner, any rights the grievant may have to a judicial review in any judicial proceeding, which may thereafter be brought in this matter,

Per HUD's Final Rule, hearings may not be postponed more than five (5) business days and all parties must be advised.

## 8- 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, the family may request SNRHA provide a hearing. The request must be made within thirty (30) calendar days of the notice of termination, or within thirty (30) calendar days of the USCIS appeal decision.

For the Informal Hearing procedures that apply to resident families whose assistance is being terminated based on immigration status, see Sections E3 through E8 above.

## 9- Retention of Documents [24 CFR 5.514(h)]

SNRHA must retain the for a minimum of five (4) years the following documents that may have been submitted to SNRHA by the family, or provided to SNRHA as part of the USCIS appeal or the SNRHA Informal Hearing process:

- The application of 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



## **PART IV: OWNER OR FAMILY DEBTS TO SNRHA**

### **14-IV.A. OVERVIEW**

SNRHA is required to include in the administrative plan policies concerning repayment by a family of amounts owed to the PHA [24 CFR 982.54]. This part describes SNRHA's policies for recovery of monies that have been overpaid on behalf of families, or to owners.

#### SNRHA Policy

When an action or inaction of an owner or participant results in the overpayment of housing assistance, SNRHA holds the owner or participant liable to return any overpayments to SNRHA.

SNRHA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments. A repayment agreement may be executed depending on the cause for the overpayment and the amount of monies owed to SNRHA.

When an owner or participant refuses to repay monies owed to SNRHA, SNRHA will utilize other available collection alternatives.

- **14-IV.B. REPAYMENT POLICY**

#### **Introduction**

This chapter describes the SNRHA'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 PHA'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 PHA's claim that the debt is owed. The file must contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

The SNRHA will sometimes take other or additional actions than debt recovery when program fraud and abuse occurs.



## **Collection Methods**

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

- Requests for lump sum payments
- Reductions in HAP to owner
- Civil suits
- Repayment Agreements
- Collection agencies
- Credit bureaus
- Income tax set-off programs
- Owner – collect from future payments for other clients to same vendor
- Small Claims Court
- Abatements
- Office of the Inspector General
- Office of the Attorney General
- Termination of Assistance
- Barr from Program Participation

## **Owner Debts to SNRHA**

### SNRHA Policy

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

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

If the owner is not entitled to future HAP payments SNRHA will offer to enter into a repayment agreement in accordance with the policies below.

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

## **Family Debts to SNRHA**

### SNRHA Policy

Any amount due to SNRHA by an HCV participant must be repaid by the family. If the family is unable to repay the debt within 30 calendar days, if the family qualifies, SNRHA will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, SNRHA will terminate the assistance upon notification to the family and pursue other modes of collection.

At SNRHA's discretion, the PHA will not enter into a Repayment Agreement in the following circumstances:



- If the family already has a Repayment Agreement in place.
- If the PHA determines that the family deliberately committed program fraud.
- If the PHA determines that the debt amount is larger than can be paid back by the family in a reasonable amount of time.
- If the family has had two prior Repayment Agreements during their participation in the program.

### **Repayment Agreement [24 CFR 792.103] (Notice PIH 2017-12 (HA))**

The term *repayment agreement* refers to a formal document signed by a tenant or owner and provided to SNRHA in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

#### **Change of Head of Household (HoH)**

If there is a change in Head of Household (HoH) or co-head, and there is a remaining adult family member in the unit who, in SNRHA's determination, is approved to be promoted to HoH; SNRHA may terminate the Repayment Agreement with the former HoH and offer a new Repayment Agreement to the new HoH. The only exception is if the head of household becomes deceased.

### **Repayment Agreement Guidelines**

- At the determination of the monies owed by the family, if the families TTP exceeds 40% of monthly adjusted income, no repayment agreement request would be accepted or approved. The client's only option would be to pay the balance in full or their assistance would be terminated. (PIH notice 2017-12 HA states, "The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family's monthly adjusted income.")
- Payment Agreements will be executed between SNRHA and the head of household, co-head, and spouse.
- The Repayment Agreement must be executed by SNRHA's Fraud Investigator or his/her designee.
- Payments may only be made by money order or cashier's check.
- The agreement will be in default when one payment is delinquent after the 10<sup>th</sup> of the month, and the family's assistance will be terminated unless SNRHA receives the balance of the Repayment Agreement in full within 30 calendar days of the date on the notice of default. Partial payments shall be accepted to pay off debt but will not prevent termination.
- Payment Agreements must be in writing.
- Length of Payment Agreements not to exceed twenty- four (24) months.
- Only two Repayment Agreements may be executed during the term of the family's participation. The second cannot be entered into unless the first was paid in full in compliance with the terms of the Agreement.
- No move will be approved until the debt is current, unless the move is the result of the following cases, 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
  - Due to issues regarding VAWA
  - Reasonable Accommodation
- HUD does not authorize any PHA-sponsored amnesty or debt forgiveness programs.

***Down Payment Requirement***

SNRHA Policy

Prior to the execution of a repayment agreement, the owner or family must pay 25 percent of the balance owed to SNRHA with balance due within 23 additional months. Minimum payments as outlined below and are due each month no later than the 10<sup>th</sup>.

The minimum monthly amount of monthly payment for any payment agreement is \$25.

<b>BALANCE DUE</b>	<b>PAYMENT DUE</b>
\$25-\$100	\$25 down with minimum \$25 monthly payments
\$101+	25% down and remaining balance within 23 months

***Execution of the Agreement***

SNRHA Policy

The head of household must sign the repayment agreement.

***Due Dates***

SNRHA Policy

All payments are due on the 1<sup>st</sup> of each month, and considered late after the close of business on the 10<sup>th</sup> day of the month. If the 10<sup>th</sup> does not fall on a business day, the due date is the close of business on the first business day after the 10<sup>th</sup>.

***Non-Payment***

SNRHA Policy

The agreement will be in default when one payment is delinquent after the 10<sup>th</sup> of the month, and the family's assistance will be terminated unless SNRHA receives the balance of the Repayment Agreement in full within 14 calendar days of the date on the notice of default. Partial payments shall be accepted to pay off debt but shall not prevent termination.

If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and SNRHA will terminate assistance upon written



notification to the family.

## **PART V: MANAGEMENT ASSESSMENT (SEMAP)**

### **14-V.A. OVERVIEW**

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure SNRHA performance in key areas to ensure program integrity and accountability. SEMAP scores translate into a rating for each PHA as high performing, standard, or troubled. Scores on individual SEMAP indicators, as well as overall SEMAP ratings, can affect the PHA in several ways.

- High-performing PHAs can be given a competitive advantage under notices of funding availability [24 CFR 985.103].
- PHAs with deficiencies on one or more indicators are required to correct the deficiencies and report to HUD [24 CFR 985.106].
- PHAs with an overall rating of “troubled” are subject to additional HUD oversight, including on-site reviews by HUD staff, a requirement to develop a corrective action plan, and monitoring to ensure the successful implementation of the corrective action plan. In addition, PHAs that are designated “troubled” may not use any part of the administrative fee reserve for other housing purposes [24 CFR 985.107].
- HUD may determine that a PHA's failure to correct identified SEMAP deficiencies or to prepare and implement a corrective action plan required by HUD constitutes a default under the ACC [24 CFR 985.109].

### **14-V.B. SEMAP CERTIFICATION [24 CFR 985.101]**

SNRHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year. The certification must be approved by a SNRHA board resolution and signed by the SNRHA executive director. If SNRHA is a unit of local government or a state, a resolution approving the certification is not required, and the certification must be executed by the Section 8 program director.

PHAs with less than 250 voucher units are only required to be assessed every other PHA fiscal year. HUD will assess such PHAs annually if the PHA elects to have its performance assessed on an annual basis; or is designated as “troubled” [24 CFR 985.105].

Failure of SNRHA to submit its SEMAP certification within the required time frame will result in an overall performance rating of “troubled.”

SNRHA's SEMAP certification is subject to HUD verification by an on-site confirmatory review at any time.

Upon receipt of SNRHA's SEMAP certification, HUD will rate SNRHA's performance under each SEMAP indicator in accordance with program requirements.

### **HUD Verification Method**

Several of the SEMAP indicators are scored based on a review of a quality control sample selected for this purpose. SNRHA or the Independent Auditor must select an unbiased sample that provides



an adequate representation of the types of information to be assessed, in accordance with SEMAP requirements [24 CFR 985.2].

If the HUD verification method for the indicator relies on data in the Form-50058 module (formerly known as MTCS) in the PIH Information Center (PIC), and HUD determines that those data are insufficient to verify the PHA's certification on the indicator due to SNRHA's failure to adequately report family data, HUD will assign a zero rating for the indicator [24 CFR 985.3].

**14-V.C. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]**

The table below lists each of the SEMAP indicators, contains a description of each indicator, and explains the basis for points awarded under each indicator.

A PHA that expends less than \$300,000 in Federal awards and whose Section 8 programs are not audited by an independent auditor, is not rated under SEMAP indicators 1-7.

<b>SEMAP Indicators</b>
<p><b>Indicator 1: Selection from the waiting list</b>  <b>Maximum Score: 15</b></p> <ul style="list-style-type: none"> <li>• This indicator shows whether the PHA has written policies in its administrative plan for selecting applicants from the waiting list and whether the PHA follows these policies when selecting applicants for admission from the waiting list.</li> <li>• Points are based on the percent of families that are selected from the waiting list in accordance with the PHA's written policies, according to the PHA's quality control sample.</li> </ul>
<p><b>Indicator 2: Rent reasonableness</b>  <b>Maximum Score: 20</b></p> <ul style="list-style-type: none"> <li>• This indicator shows whether the PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units</li> <li>• Points are based on the percent of units for which the PHA follows its written method to determine reasonable rent and has documented its determination that the rent to owner is reasonable, according to the PHA's quality control sample.</li> </ul>
<p><b>Indicator 3: Determination of adjusted income</b>  <b>Maximum Score: 20</b></p> <ul style="list-style-type: none"> <li>• This indicator measures whether the PHA verifies and correctly determines adjusted income for each assisted family, and where applicable, uses the appropriate utility allowances for the unit leased in determining the gross rent.</li> <li>• Points are based on the percent of files that are calculated and verified correctly, according to the PHA's quality control sample.</li> </ul>





#### **Indicator 4: Utility allowance schedule**

##### **Maximum Score: 5**

- This indicator shows whether the PHA maintains an up-to-date utility allowance schedule.
- Points are based on whether the PHA has reviewed the utility allowance schedule and adjusted it when required, according to the PHA's certification.

**Indicator 5: HQS quality control inspections****Maximum Score: 5**

- This indicator shows whether a PHA supervisor re-inspects a sample of units under contract during the PHA fiscal year, which meets the minimum sample size requirements for quality control of HQS inspections.
- Points are based on whether the required quality control reinspections were completed, according to the PHA's certification.

**Indicator 6: HQS enforcement****Maximum Score: 10**

- This indicator shows whether, following each HQS inspection of a unit under contract where the unit fails to meet HQS, either any cited life-threatening deficiencies are corrected within 24 hours from the inspection and all other deficiencies are corrected within no more than 30 calendar days from the inspection or any PHA-approved extension, or the PHA took appropriate action.
- Points are based on whether the PHA took appropriate action when the responsible party failed to correct all HQS deficiencies in accordance with required time frames, according to the PHA's certification.

**Indicator 7: Expanding housing opportunities****Maximum Points: 5**

- Only applies to PHAs with jurisdiction in metropolitan FMR areas.
- This indicator shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration; informs voucher holders of the full range of areas where they may lease units both inside and outside the PHA's jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find units, including units outside areas of poverty or minority concentration.
- Points are based on whether the PHA has adopted and implemented written policies in accordance with SEMAP requirements, according to the PHA's certification.

**Indicator 8: FMR limit and payment standards****Maximum Points: 5 points**

- This indicator shows whether the PHA has adopted a payment standard schedule that establishes payment standard amounts by unit size for each FMR area in the PHA's jurisdiction, that are within the basic range of 90 to 110 percent of the published FMR.
- Points are based on whether the PHA has appropriately adopted a payment standard schedule(s), according to the PHA's certification.

**Indicator 9: Annual reexaminations****Maximum Points: 10**

- This indicator shows whether the PHA completes a reexamination for each participating family at least every 12 months.
- Points are based on the percent of reexaminations that are not overdue, according to data from PIC.



**Indicator 10: Correct tenant rent calculations**

**Maximum Points: 5**

- This indicator shows whether the PHA correctly calculates the family’s share of the rent to owner.
- Points are based on the percent of correct calculations of family share of the rent, according to data from PIC.

**Indicator 11: Pre-contract HQS inspections**

**Maximum Points: 5**

- This indicator shows whether newly leased units pass HQS inspection on or before the effective date of the assisted lease and HAP contract.
- Points are based on the percent of newly leased units that passed HQS inspection prior to the effective date of the lease and HAP contract, according to data from PIC.

**Indicator 12: Annual HQS inspections**

**Maximum Points: 10**

- This indicator shows whether the PHA inspects each unit under contract at least annually.
- Points are based on the percent of annual HQS inspections of units under contract that are not overdue, according to data from PIC.

**Indicator 13: Lease-up**

**Maximum Points: 20 points**

- This indicator shows whether the PHA enters HAP contracts for At least 98 percent of the number of SNRHA’s baseline voucher units in the ACC for the calendar year ending on or before SNRHA’s fiscal year, or whether SNRHA has expended at least 98 percent of its allocated budget authority for the same calendar year. SNRHA can receive 15 points if 95 to 97 percent of vouchers are leased or budget authority is utilized.
- Points are based on Utilization of vouchers and HAP expenditures as reported in the voucher management system (VMS) for the most recently completed calendar year.

**Indicator 14: Family self-sufficiency (FSS) enrollment and escrow account balances**

**Maximum Points: 10**

- Only applies to PHAs with mandatory FSS programs.
- This indicator shows whether the PHA has enrolled families in the FSS program as required, and measures the percent of current FSS participants that have had increases in earned income which resulted in escrow account balances.
- Points are based on the percent of mandatory FSS slots that are filled and the percent of families with escrow account balances, according to data from PIC.

**Success Rate of Voucher Holders**

**Maximum Points: 5**

- Only applies to PHAs that have received approval to establish success rate payment standard amounts, and isn’t effective until the second full PHA fiscal year following the date of HUD approval of success rate payment standard amounts.



- This indicator shows whether voucher holders were successful in leasing units with voucher assistance.
- Points are based on the percent of families that were issued vouchers, and that became participants in the voucher program.

### **Deconcentration Bonus Indicator**

#### **Maximum Points: 5**

- Submission of data for this indicator is mandatory for a PHA using one or more payment standard amount(s) that exceed(s) 100 percent of the published FMR set at the 50-percentile rent, starting with the second full PHA fiscal year following initial use of payment standard amounts based on the FMRs set at the 50<sup>th</sup> percentile.
- Additional points are available to PHAs that have jurisdiction in metropolitan FMR areas and that choose to submit the required data.
- Points are based on whether the data that is submitted meets the requirements for bonus points.

## **PART VI: RECORD KEEPING**

### **14-VI.A. OVERVIEW**

SNRHA 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, SNRHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

### **14-VI.B. RECORD RETENTION [24 CFR 982.158]**

SNRHA must keep the last three (3) years of:

- the Form HUD-50058 and
- supporting documentation during the term of each assisted lease, and for a period of at least three (3) years from the end of participation (EOP) date [24 CFR 908.101].

During the term of each assisted lease, and for at least three years thereafter, SNRHA must keep:

- A copy of the executed lease;
- The HAP contract; and
- The application from the family.

In addition, SNRHA must keep the following records for at least three years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
- An application from each ineligible family and notice that the applicant is not eligible;
- HUD-required reports;



- Unit inspection reports;
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Accounts and other records supporting SNRHA budget and financial statements for the program;
- Records to document the basis for SNRHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.
- EIV print outs must be destroyed within 3 years of the date printed.

SNRHA must keep confidential records of all emergency transfer requested by victims of domestic violence, dating violence, sexual assault, and stalking under the PHA's Emergency Transfer Plan, as well as the outcomes of such requests, and retain the records for a period of three (3) years [24 CFR 5.2002(e)(12)].

If an informal 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- III.D., Retention of Documents.

#### **14-VI.C. RECORDS MANAGEMENT**

SNRHA must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

##### SNRHA Policy

All applicant and participant information will be kept in a secure location and access will be limited to authorized SNRHA staff.

SNRHA 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 the PHA may release the information collected.

##### **Upfront Income Verification (UIV) Records**

In accessing UIV data through HUD's Enterprise Income Verification (EIV) System, SNRHA is 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 data*.

### SNRHA Policy

SNRHA has adopted and implemented EIV security procedures as required by HUD.

### **Criminal Records**

SNRHA may only disclose the criminal conviction records which SNRHA receives from a law enforcement agency to authorized representatives of SNRHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

SNRHA must establish and implement a system of records management that ensures that any criminal record received by SNRHA 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 the SNRHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

SNRHA must establish and implement a system of records management that ensures that any sex offender registration information received by SNRHA 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 the SNRHA 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 SNRHA other than under 24 CFR 5.905.

### **Medical/Disability Records**

SNRHA is not permitted to inquire about the nature or extent of a person's disability. SNRHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If SNRHA receives a verification document that provides such information, SNRHA should not place this information in the participant file. The PHA should destroy the document immediately.

### **Copies of Documents Cost:**

The family shall be allowed to obtain a copy of any family documents in their file at a cost of \$1.00 per page after the first 25 pages. If a third party requests the documents, they must pay \$1.00 per page starting with the first page and have a written release of information signed by the participant. Requests for copies of documents must be submitted in writing and SNRHA will have four (4) business days to process the request once payment is received. Documents must be picked up within three days of the date they are completed. Payments must be made via a money order or cashier's check; or if from a legal representative, a check from the company shall be acceptable.

## **PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL**

### **14-VII.A. OVERVIEW**

SNRHA has certain responsibilities relative to children with elevated blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are



discussed in Chapter 8. This part deals with the reporting requirements, and data collection and record keeping responsibilities SNRHA is subject to.

#### **14-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e)] [Notice PIH 2017-13]**

The owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within five (5) business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five (5) business days. The PHA may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner's behalf.

##### SNRHA Policy

Upon notification by the owner, SNRHA will provide the public health department written notice of the name and address of any child identified as having an elevated blood lead level within five (5) business days.

Upon notification by the owner, the PHA will notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five (5) business days.

#### **14-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]**

At least quarterly, SNRHA must attempt to obtain from the public health department(s) with a similar area of jurisdiction, the names and/or addresses of children less than 6 years old with an identified elevated blood lead level.

If SNRHA obtains names and addresses of elevated blood lead level children from the public health department(s), SNRHA must match this information with the names and addresses of families receiving HCV assistance, unless the public health department

performs such a procedure. If a match occurs, SNRHA must carry out the notification, verification, and hazard reduction requirements discussed in Chapter 8, and the reporting requirement discussed above



At least quarterly, SNRHA must also report an updated list of the addresses of units receiving assistance under the HCV program to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report.

#### SNRHA Policy

SNRHA shall submit a listing of units with children age 6 and under for cross referencing.

### **PART VIII: DETERMINATION OF INSUFFICIENT FUNDING**

#### **14-VIII.A. OVERVIEW**

The HCV regulations allow SNRHA to deny families permission to move (which includes portability) and to terminate Housing Assistance Payments (HAP) contracts if funding under the consolidated ACC is insufficient to support continued assistance [24 CFR 982.354(e)(1) and 982.454]. If a PHA denies a family a portability move based on insufficient funding, SNRHA is required to notify the local HUD office within 10 business days [24 CFR 982.354]. Insufficient funding may also impact SNRHA's ability to issue vouchers to families on the waiting list. This part discusses the methodology SNRHA will use to determine whether or not SNRHA has sufficient funding to issue vouchers, approve moves, and to continue subsidizing all families currently under a HAP contract.

#### **14-VIII.B. METHODOLOGY**

##### SNRHA Policy

SNRHA will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing SNRHA's annual budget authority to the annual total HAP needs on a monthly basis. The total HAP needs for the calendar year will be projected by establishing the actual HAP costs year to date. To that figure, SNRHA will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month's average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority, or if SNRHA cannot support the cost of the proposed subsidy commitment (voucher issuance or move) based on the funding analysis, SNRHA will be considered to have insufficient funding.

### **PART IX: NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA)**

#### **14-IX.A. NOTIFICATION TO PARTICIPANTS [Pub.L. 109-162]**

VAWA requires SNRHA to notify public housing program participants of their rights under this law, including their right to confidentiality and the limits thereof.

##### SNRHA Policy





SNRHA will provide all participants with notification of their protections and rights under VAWA at the time of admission and at annual reexaminations.

The notice will explain the protections afforded under the law, inform the participant of SNRHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Addendum G)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Addendum I)

A copy of the PHA's emergency transfer plan (Exhibit 16-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

#### **14-IX.B. NOTIFICATION TO APPLICANTS**

##### SNRHA Policy

SNRHA will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance.

The notice will explain the protections afforded under the law, inform each applicant of SNRHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Addendum G)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Addendum I)

A copy of the PHA's emergency transfer plan (Exhibit 16-3)

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The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers



#### **14-IX.C. NOTIFICATION TO OWNERS AND MANAGERS [Pub.L. 109-162]**

VAWA requires SNRHA to notify owners and managers of their rights and responsibilities under this law.

##### SNRHA Policy

SNRHA may utilize any or all of the following means to notify owners and managers of their VAWA responsibilities:

- As appropriate in day to day interactions with owners and managers.
- Inserts in HAP payments, 1099s, owner workshops, classes, orientations, and/or newsletters.
- Signs in SNRHA lobby and/or mass mailings which include model VAWA certification forms.

#### **14-IX.D. CONFLICTING DOCUMENTATION [24 CFR 5.2007(e)]**

- In cases where the PHA 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 PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described below (forms 2 and 3). The PHA must honor any court orders issued to protect the victim or to address the distribution of property.
- PHA Policy
- If presented with conflicting certification documents (two or more versions of HUD-5382 [See Addendum I]) from members of the same household, the PHA 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(e) and by following any HUD guidance on how such determinations should be made.

#### **14-IX.E. CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

If a participant asserts VAWA's protection, staff can ask the participant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand official documentation and may rely upon the victim's statement alone. SNRHA shall allow 14 days business days for the participant to submit their documentation. An extension of this timeline shall be provided up to another 10 calendar days if requested. A participant can certify that he or she is a victim by providing any one of the following three documents:

- A completed, signed HUD –approved Certification Form (HUD-5382.) This form is available online at <http://www.hud.gov/offices/adm/hudclips/> or See Addendum i)
- A statement from the victim service provider, attorney or medical professional who has helped the victim address incidents of domestic, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real.  
**Both the victim and the professional must sign the statement under penalty of perjury.**



- A police or court record, such as a protective order.

Confidentiality:

SNRHA must keep confidential any information a participant provides to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. This information cannot be entered into a shared data base or reveal it to outside entities unless:

- **The participant provides written permission releasing the information.**
- **The information is required for use in an eviction proceeding, such as to evict the abuser.**
- **Release of the information is otherwise required by law.**
- **VAWA and Other Laws**

VAWA does not replace any federal, state or local laws that provide greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.



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## Chapter 15

### SPECIAL HOUSING TYPES

[24 CFR 982 Subpart M]

#### INTRODUCTION

SNRHA may permit a family to use any of the special housing types discussed in this chapter. However, SNRHA is not required to permit families receiving assistance in its jurisdiction to use these housing types, except that SNRHA must permit use of any special housing type if needed as a reasonable accommodation for a person with a disability. SNRHA also may limit the number of families who receive HCV assistance in these housing types and cannot require families to use a particular housing type. No special funding is provided for special housing types.

#### SNRHA Policy

With the exception of the HCV Homeownership Program, families will not be permitted to use any special housing types, unless use is needed as a reasonable accommodation so the program is readily accessible to a person with disabilities.

Special housing types include single room occupancy (SRO), congregate housing, group homes, shared housing, cooperative housing, manufactured homes where the family owns the home and leases the space, and homeownership [24 CFR 982.601].

This chapter consists of the following seven parts. Each part contains a description of the housing type and any special requirements associated with it. Except as modified by this chapter, the general requirements of the HCV program apply to special housing types.

Part I: Single Room Occupancy

Part II: Congregate Housing

Part III: Group Homes

Part IV: Shared Housing

Part V: Cooperative Housing

Part VI: Manufactured Homes (including manufactured home space rental)

Part VII: Homeownership

#### **PART I: SINGLE ROOM OCCUPANCY**

[24 CFR 982.602 through 982.605]

#### **15-I.A. OVERVIEW**

A Single Room Occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.



When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used.

### **15-I.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION**

The payment standard for SRO housing is 75 percent of the 0-bedroom payment standard amount on SNRHA's payment standard schedule.

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the TTP or the gross rent for the unit minus the TTP.

### **15-I.C. HOUSING QUALITY STANDARDS (HQS)**

HQS requirements described in Chapter 8 apply to SRO housing except as modified below.

- *Access:* Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level. The SRO unit must also have any other means of exit required by State or local law.
- *Fire Safety:* All SRO facilities must have a sprinkler system protecting major spaces. "Major spaces" are defined as hallways, common areas, and any other areas specified in local fire, building, or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety equipment required by state or local law.

Sanitary facilities and space and security standards must meet local code requirements for SRO housing. In the absence of local code standards the requirements discussed below apply [24 CFR 982.605].

*Sanitary Facilities:* At least one flush toilet can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway, and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

- *Space and Security:* An SRO unit must contain at least 110 square feet of floor space, and at least four square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from outside the SRO unit must be lockable.

Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.



## **PART II: CONGREGATE HOUSING**

[24 CFR 982.606 through 982.609]

### **15-II.A. OVERVIEW**

Congregate housing is intended for use by elderly persons or persons with disabilities. A congregate housing facility contains a shared central kitchen and dining area and a private living area for the individual household including at least a living room, bedroom and bathroom. Food service for residents must be provided.

If approved by SNRHA, a family member or live-in aide may reside with the elderly person or person with disabilities. SNRHA must approve a live-in aide if needed as a reasonable accommodation so the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in congregate housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

### **15-II.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION**

The payment standard for an individual unit in a congregate housing facility is based on the number of rooms in the private living area. If there is only one room in the unit (not including the bathroom or the kitchen, if a kitchen is provided), SNRHA must use the payment standard for a 0-bedroom unit. If the unit has two or more rooms (other than the bathroom and the kitchen), SNRHA must use the one-bedroom payment standard.

The HAP for an assisted occupant in a congregate housing facility is the lower of the applicable payment standard minus the TTP or the gross rent for the unit minus the TTP.

The gross rent for the unit for the purpose of calculating HCV assistance is the shelter portion (including utilities) of the resident's monthly housing expense only. The residents' costs for food service should not be included in the rent for a congregate housing unit.

### **15-II.C. HOUSING QUALITY STANDARDS**

HQS requirements as described in Chapter 8 apply to congregate housing except for the requirements stated below.

Congregate housing must have (1) a refrigerator of appropriate size in the private living area of each resident; (2) a central kitchen and dining facilities located within the premises and accessible to the residents, and (3) food service for the residents, that is not provided by the residents themselves.

The housing quality standards applicable to lead-based paint do not apply.



### **PART III: GROUP HOME**

[24 CFR 982.610 through 982.614 and HCV GB p. 7-4]

#### **15-III.A. OVERVIEW**

A group home is a state-licensed facility intended for occupancy by elderly persons and/or persons with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continuous medical or nursing care.

A group home consists of bedrooms for residents, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

No more than 12 persons may reside in a group home including assisted and unassisted residents and any live-in aides.

If approved by SNRHA, a live-in aide may live in the group home with a person with disabilities. SNRHA must approve a live-in aide if needed as a reasonable accommodation so the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in a group home, a separate lease and HAP contract is executed for each assisted family, and the standard form of the HAP contract is used.

#### **15-III.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION**

Unless there is a live-in aide, the family unit size for an assisted occupant of a group home must be 0- or 1-bedroom, depending on SNRHA's subsidy standard. If there is a live-in aide, the aide must be counted in determining the household's unit size.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the group home size. The prorata share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

The HAP for an assisted occupant in a group home is the lower of the payment standard minus the TTP or the gross rent minus the TTP.

The utility allowance for an assisted occupant in a group home is the prorata share of the utility allowance for the group home.

The rents paid for participants residing in group homes are subject to generally applicable standards for rent reasonableness. The rent for an assisted person must not exceed the prorata portion of the reasonable rent for the group home. In determining reasonable rent, SNRHA should consider whether sanitary facilities and facilities for food preparation and service are common facilities or private facilities.





### 15-III.C. HOUSING QUALITY STANDARDS

HQS requirements described in Chapter 8 apply to group homes except for the requirements stated below.

- *Sanitary Facilities:* A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.
- *Food Preparation and Service:* Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.
- *Space and Security:* Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.
- *Structure and Material:* To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.
- *Site and Neighborhood:* Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:
  - Dangerous walks or steps
  - Instability
  - Flooding, poor drainage
  - Septic tank back-ups
  - Sewage hazards
  - Mud slides
  - Abnormal air pollution
  - Smoke or dust
  - Excessive noise
  - Vibrations or vehicular traffic
  - Excessive accumulations of trash
  - Vermin or rodent infestation, and
  - Fire hazards.

The housing quality standards applicable to lead-based paint do not apply.



## **PART IV: SHARED HOUSING**

[24 CFR 982.615 through 982.618]

### **15-IV.A. OVERVIEW**

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family.

An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons. The owner of a shared housing unit may reside in the unit, but housing assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.

If approved by SNRHA, a live-in aide may reside with the family to care for a person with disabilities. SNRHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

### **15-IV.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION**

The payment standard for a family in shared housing is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the shared housing unit size.

The prorata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private space by the total number of bedrooms in the unit.

The HAP for a family in shared housing is the lower of the payment standard minus the TTP or the gross rent minus the TTP. The utility allowance for an assisted family living in shared housing is the prorata share of the utility allowance for the shared housing unit.

The rents paid for families living in shared housing are subject to generally applicable standards for rent reasonableness. The rent paid to the owner for the assisted family must not exceed the pro-rata portion of the reasonable rent for the shared unit. In determining reasonable rent, SNRHA should consider whether sanitary and food preparation areas are private or shared.

### **15-IV.C. HOUSING QUALITY STANDARDS**

SNRHA may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

HQS requirements described in Chapter 8 apply to shared housing except for the requirements stated below.

- *Facilities Available for the Family:* Facilities available to the assisted family, whether shared or private, must include a living room, a bathroom, and food preparation and refuse disposal facilities.



- *Space and Security:* The entire unit must provide adequate space and security for all assisted and unassisted residents. The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family must not be less than the family unit size. A 0-bedroom or 1-bedroom unit may not be used for shared housing.

## **PART V: COOPERATIVE HOUSING**

[24 CFR 982.619]

### **15-V.A. OVERVIEW**

This part applies to rental assistance for a cooperative member residing in cooperative housing. It does not apply to assistance for a cooperative member who has purchased membership under the HCV homeownership option, or to rental assistance for a family that leases a cooperative housing unit from a cooperative member.

A cooperative is a form of ownership (nonprofit corporation or association) in which the residents purchase memberships in the ownership entity. Rather than being charged “rent” a cooperative member is charged a “carrying charge.”

When providing HCV assistance in cooperative housing, the standard form of the HAP contract is used.

### **15-V.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION**

The payment standard and utility allowance are determined according to regular HCV program requirements.

The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the monthly carrying charge for the unit, plus any utility allowance, minus the TTP. The monthly carrying charge includes the member’s share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

### **15-V.C. HOUSING QUALITY STANDARDS**

All standard HQS requirements apply to cooperative housing units. There are no additional HQS requirements.

## **PART VI: MANUFACTURED HOMES**

[24 CFR 982.620 through 982.624]

### **15-VI.A. OVERVIEW**

A manufactured home is a manufactured structure, transportable in one or more parts, that is built on a permanent chassis, and designed for use as a principal place of residence. HCV-assisted families may occupy manufactured homes in two different ways.



(1) A family can choose to rent a manufactured home already installed on a space and SNRHA must permit it. In this instance program rules are the same as when a family rents any other residential housing, except that there are special HQS requirements as provided in 15-VI.D below.

(2) HUD also permits an otherwise eligible family that owns a manufactured home to rent a space for the manufactured home and receive HCV assistance with the rent for the space. SNRHA may, but is not required to, provide assistance for such families.

## **15-VI.B. SPECIAL POLICIES FOR MANUFACTURED HOME OWNERS WHO LEASE A SPACE**

### **Family Income**

In determining the annual income of families leasing manufactured home spaces, the value of the family's equity in the manufactured home in which the family resides is not counted as a family asset.

### **Lease and HAP Contract**

There is a separate Tenancy Addendum (Form 52642-a) and separate HAP Contract (Form 52642) for this special housing type.

## **15-VI.C. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION**

### **Payment Standards**

The FMR for a manufactured home space is generally 40 percent of the published FMR for a 2-bedroom unit or, where approved by HUD, the 40th percentile of the rental distribution of manufactured home spaces for the FMR area. SNRHA may establish a payment standard for manufactured home spaces that is between 90-110 percent of the FMR for manufactured home spaces.

### **Utility Allowance**

SNRHA must establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowance must include an amount for a utility hook-up charge if the family actually incurred a hook-up charge because of a move. This allowance will not be given to a family that leases in place. Utility allowances for manufactured home space must not include the costs of digging a well or installing a septic system.

### **Space Rent**

The space rent is the sum of the rent to the owner for the manufactured home space, any charges for maintenance and management provided by the owner, and the utility allowance for tenant-paid utilities.

### **Housing Assistance Payment**



The HAP for a manufactured home space under the housing choice voucher program is the lower of the payment standard minus the TTP or the (gross) manufactured home space rent minus the TTP.

### **Rent Reasonableness**

Initially, and annually thereafter SNRHA must determine that the rent for the manufactured home space is reasonable based on rents for comparable manufactured home spaces. SNRHA must consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly HAP check, the owner certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the manufactured home park or elsewhere.

### **15-VI.D. HOUSING QUALITY STANDARDS**

Under either type of occupancy described in 15-VI.A above, the manufactured home must meet all HQS performance requirements and acceptability criteria discussed in Chapter 8 of this plan. In addition, the following requirement applies:

#### ***Manufactured Home Tie-Down***

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.

## **PART VII. HOMEOWNERSHIP**

[24 CFR 982.625 through 982.643]

### **15-VII.A. OVERVIEW [24 CFR 982.625]**

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this option will be an existing participant in the HCV tenant-based program, and must be in good standing. SNRHA has demonstrated the capacity to operate a successful HCV homeownership program as defined by the regulations and will use financial instruments that are recognized and accepted by governmental agencies or the secondary market of Fannie Mae, Freddie Mac or FHA.

Except in the case of reasonable accommodation, there is only one form of homeownership assistance currently available that SNRHA may offer under this option and that is monthly homeownership assistance payments.

SNRHA may offer homeownership assistance if needed so that the program is readily accessible to and usable by persons with disabilities or elderly. It is the sole responsibility of SNRHA to determine whether it is reasonable to implement a homeownership program as a reasonable accommodation. SNRHA must determine what is reasonable based on the specific circumstances and individual needs of the person with a disability.

SNRHA will review request for reasonable accommodations and may approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.



Criteria to be used to demonstrate SNRHA capacity:

- SNRHA requires the financing for purchase of a home under its Housing Choice Voucher homeownership program complies with secondary mortgage market requirements; or complies with generally accepted private sector underwriting standards.
- SNRHA reserves the right to impose additional criteria on the financial instruments, depending on family circumstances or changes in the homeownership market. SNRHA will offer only the monthly homeownership assistance payments at this time

#### **15-VII.B. FAMILY ELIGIBILITY [24 CFR 982.627]**

The family must meet all of the requirements listed below before the commencement of homeownership assistance. SNRHA may also establish additional initial requirements as long as they are described in SNRHA administrative plan.

- The family must have been admitted to the Housing Choice Voucher program for at least one year.
- The family must qualify as a first-time homeowner, or may be a cooperative member.
- The non-disabled/elderly family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. SNRHA may establish a higher income standard for families. However, a family that meets the federal minimum income requirement (but not SNRHA's requirement) will be considered to meet the minimum income requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit. Welfare assistance cannot be used to determine minimum income requirements.
- For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12.
- For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. It will not be included for other families.
- The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance 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 has been continuously so employed during the year before commencement of homeownership assistance for the family. Continuously employed shall be defined as a break for no more than two months during a consecutive 12 month period.
- The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family includes a person with disabilities, SNRHA must grant an exemption from the employment requirement if SNRHA determines that it is needed as a reasonable accommodation.
- The family does not owe money to SNRHA or any other PHA.



- The family has not committed any serious or repeated violations of a SNRHA-assisted lease within the past year.
- The family is in good standing with all terms of the family obligations and has been so for at least one year.
- The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option.
- Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- The family must attend all scheduled training and referral service meetings.
- The family must report all changes in income and family composition with 10 calendar days of said change, in writing.
- The family must choose lenders where underwriting criteria comply with basic mortgage lending. No predatory lending practices will be approved in this program.
- The family must select an existing home within Clark County, the City of Las Vegas or North Las Vegas or under construction at the time the participant enters into a Contract of Sell.
- Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with 24 CFR 982.631(c).
- The family must provide SNRHA with a copy of the contract of sale; proof of hazard insurance; insurance credit underwriting requirements for FHA – insured single family mortgage loans. (HUD Handbook 4155.1)
- The home must pass an initial SNRHA HQS inspection. The family must also have an independent professional home inspection to inspect the home to identify physical defects and the condition of major building systems and components. A copy of the independent inspection report must be given to SNRHA. The family must pay for the independent inspection. Any failed items in an Independent inspection may be grounds to deny the contract of homeownership from being signed.
- The seller is responsible for completing necessary pre-purchase repairs.
- The selected home must be a one unit property or single dwelling unit in a cooperative or condominium.
- The family must agree to complete a pre-homeownership counseling program and post training, as required.
- The family must provide evidence of payment of taxes and homeowner’s insurance annually.
- The family must sign a contract of Homeownership Obligations



- The family must notify SNRHA of any foreclosure notices or late notices received from their lenders within 10 calendar days of receiving said notice. If client receives more than three (3) late notices that were more than 30 calendar days delinquent within a calendar year, the participant may attend post homeownership counseling
- The family does not owe SNRHA or any other PHA a bad debt.
- The family must participate and graduate from FSS, except for the elderly and disabled.

#### **15-VII.C. SELECTION OF FAMILIES [24 CFR 982.626]**

Unless otherwise provided (under the homeownership option), SNRHA may limit homeownership assistance to families or purposes defined by SNRHA, and may prescribe additional requirements for commencement of homeownership assistance for a family. Any such limits or additional requirements must be described in SNRHA administrative plan.

If SNRHA limits the number of families that may participate in the homeownership option, SNRHA must establish a system by which to select families to participate.

SNRHA has designated one hundred fifty (150) vouchers to be used in the homeownership program. SNRHA reserves the right to adjust the number of vouchers available depending on the capacity of SNRHA and changes in the market. SNRHA may exceed the number of units planned if it is necessary as a reasonable accommodation for a person with a disability. If this occurs, SNRHA reserves the right to reduce the number of homeownership units offered in subsequent years.

Within preference and non-preference categories, families will be selected according to the date and time of their application for participating in the homeownership option approved by SNRHA.

All families must meet eligibility requirements as defined in Section 15-VII.B of this plan.

#### **15-VII.D. ELIGIBLE UNITS [24 CFR 982.628]**

In order for a unit to be eligible, SNRHA must determine that the unit satisfies all of the following requirements:

- The unit must meet HUD's "eligible housing" requirements. The unit may not be any of the following:
  - A public housing or Indian housing unit (except as approved by HUD)
  - A unit receiving Section 8 project-based assistance;
  - A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
  - A college or other school dormitory;
  - On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
  - Rent to own units.





- The unit must be under construction (footer poured and in place) or already exist at the time the family enters into the contract of sale.
- The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium.
- The unit must have been inspected by SNRHA and by an independent inspector designated by the family.
- The unit must meet Housing Quality Standards (see Chapter 8).
- For a unit where the family will not own fee title to the real property (such as a manufactured home), the home must have a permanent foundation and the family must have the right to occupy the site for at least 40 years.

For SNRHA-owned units all of the following conditions must be satisfied:

- SNRHA informs the family, both orally and in writing, that the family has the right to purchase any eligible unit and a SNRHA-owned unit is freely selected by the family without SNRHA pressure or steering;
- The unit is not ineligible housing;
- SNRHA obtains the services of an independent agency to inspect the unit for compliance with HQS, review the independent inspection report, review the contract of sale, determine the reasonableness of the sales price and any SNRHA provided financing. All of these actions must be completed in accordance with program requirements.

SNRHA must not approve the unit if SNRHA has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.

#### **15-VI.E. ADDITIONAL SNRHA REQUIREMENTS FOR SEARCH AND PURCHASE [24 CFR 982.629]**

It is the family's responsibility to find a home that meets the criteria for voucher homeownership assistance. SNRHA may establish the maximum time that will be allowed for a family to locate and purchase a home, and may require the family to report on their progress in finding and purchasing a home.

If the family is unable to purchase a home within the maximum time established by SNRHA, SNRHA may provide additional time for the family to search. Documentation requesting the additional time will be provided by the family.

##### SNRHA Policy

The family will be allowed 120 calendar days to identify a unit and submit a sales contract to SNRHA for review. The family will be allowed an additional 120 calendar days to close on the home. SNRHA may grant extensions to either of these periods as a reasonable accommodation. The length of the extension(s) will be determined on a case-by-case, but in no case will an extension exceed a total of 120 calendar days. The maximum amount of time a family will be given to locate and complete the purchase of a home under the homeownership option is 240 calendar days, unless a reasonable accommodation is requested and approved.



During these periods, the family will continue to receive HCV rental assistance in accordance with any applicable lease and HAP contract until the family vacates the rental unit for its purchased home.

All requests for extensions must be submitted in writing to SNRHA prior to the expiration of the period for which the extension is being requested. SNRHA will approve or disapprove the extension request within 10 calendar days. The family will be notified of SNRHA's decision in writing.

The family will be required to report their progress on locating and purchasing a home to SNRHA every 30 calendar days until the home is purchased.

If the participant family cannot complete the purchase of a unit within the maximum required time frame, and is not receiving rental assistance under a HAP contract at the time the search and purchase time period expires, the family will be allowed to lease a unit and remain in the rental program, so long as they are still in good standing with the program.

#### **15-VII.F. HOMEOWNERSHIP COUNSELING [24 CFR 982.630]**

Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by SNRHA and be a graduate of the Family Self-Sufficiency Program, except elderly or disabled. HUD suggests the following topics for SNRHA-required pre-assistance counseling:

- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- 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;
- How to find a home, including information about homeownership opportunities, schools, and transportation in SNRHA jurisdiction;
- 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;
- Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
- Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

SNRHA may adapt the subjects covered in pre-assistance counseling (as listed) to local circumstances and the needs of individual families.

SNRHA may also offer additional counseling after commencement of homeownership assistance (ongoing counseling). If SNRHA offers a program of ongoing counseling for participants in the



homeownership option, SNRHA shall have discretion to determine whether the family is required to participate in the ongoing counseling.

If SNRHA does not use a HUD-approved housing counseling agency to provide the counseling, SNRHA will ensure that its counseling program is consistent with the counseling provided under HUD's Housing Counseling program.

#### SNRHA Policy

SNRHA shall require all participants to attend a HUD-Certified Counseling Program.

SNRHA may require all families to attend and complete post-purchase ongoing homeownership counseling, if there are payment concerns.

All families wishing to participate in the Homeownership Program must complete a minimum of the regular eight hours of pre-purchase homeownership counseling and any individually required HUD approved counseling sessions.

#### ***DOWN PAYMENT REQUIREMENTS***

- A minimum down payment as required by the lender of three (3) percent from the participant, of which one (1) percent must be from the participant's personal resources.

#### ***FINANCIAL REQUIREMENTS***

- The family must secure its own financing for the home purchase with an approval lender. The participant must submit a mortgage approval letter.
- SNRHA will not directly or indirectly make choices of lenders although we may provide participants with a list of multiple approved lenders as a tool.
- SNRHA must review and approve the lender contract, prior to signing participants Housing Choice Voucher Homeownership contract to ensure it does not have any predatory lending and the family can afford the proposed financing.
- No balloon payment or variable interest rate mortgages will be approved.
- Neither SNRHA nor HUD will guarantee any mortgage financed under this program.
- Contract of sale must contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 24 CFR; Part 24.

#### ***PAYMENT GENERAL***

- Once SNRHA executes a Contract of Homeownership Obligations with the participant, which will occur after all documents, inspections and contracts have been received and approved, Housing Assistance Payments (HAP) will be made to the participant payable to the participant on the first (1<sup>st</sup>) of each month.
- Housing Choice Voucher Program payment will equal the lower of (1) the payment standard minus the total tenant payment; or the family's monthly homeownership expenses minus the total tenant payment. In determining the amount of the homeownership assistance payment, SNRHA



will use the same payment standard, utility allowance, payment standard and subsidy assistance as used in the Housing Choice Voucher Program.

- The family is responsible for the monthly homeownership expenses not reimbursed by the HAP. Repeated late payments to the lender shall result in the participant's termination. Repeated is defined as "two late payments within 6 months consecutive period. The family will be referred to post-counseling if late payments are verified. If the family refuses to attend, the family shall be terminated. (See Chapter 12)
- SNRHA must use the UA schedule and payment standard applicable to the Housing Choice Voucher Rental Program. Occupancy standards shall not change after commencement of the contract.
- A family that defaults on their mortgage must reapply for the Housing Choice Voucher tenant-based program to receive Housing Choice Voucher rental assistance. They will not be considered under continuous occupancy.

### ***FAMILY OBLIGATIONS***

- Homeownership assistance will be paid only while the family is residing in the home.
- The family must comply with the following family obligations:
  - ***Ongoing counseling*** – referred as required to ensure no foreclosures.
  - ***Compliance with mortgage*** – Must comply with the terms of the mortgage securing debt incurred to purchase the home and any refinancing of such debt.
  - ***Prohibition against conveyance or transfer of home*** – (i) So long as the family is receiving homeownership assistance, use and occupancy of the home is subject to §982.551(h) and (I). The family may not sell, convey or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home.
    - (ii) In the case of assistance for a homeowner, the family may grant a mortgage on the home for debt incurred to finance purchase of the home or any refinancing of such debt.
    - (iii) Upon death of a family member who holds, in whole or in part, title to the home or ownership of cooperative membership shares for the home, home ownership assistance may continue pending settlement of the descendant's estate, notwithstanding transfer of title by operation of law to the descendant's executor or legal representative, so long as the home is solely occupied by remaining family members in accordance with §982.55(h).
  - ***Supplying required information*** – (i) The family must supply required information to SNRHA in accordance with 982.551(b).
    - (ii) In addition to other required information, the family must supply any information, as required by SNRHA or HUD concerning:
      - A. Any mortgage or other debt incurred to purchase the home, and any refinancing of such debt (including information needed to determine whether



the family has defaulted on the debt, and the nature of any such default), and information on any satisfaction or payment of the mortgage debt;

- B. Any sale or other transfer of any interest in the home; or
- C. The family's home ownership expenses.

- **Notice of move out** – The family must notify SNRHA before the family moves out of the home or put the home up for sell. SNRHA prohibits moves within the first five years under the program.
- **Notice of Mortgage Default** – The family must notify SNRHA if the family defaults on a mortgage securing any debt incurred to purchase the home.
- **Must provide annually statement of mortgage payment to verify payments are made on time each month.** This will be submitted at annual recertification.
- All other Housing Voucher Program family HUD required family obligations.

#### ***Denial/Termination of Assistance***

- SNRHA may deny permission to move or continue with HAP payments, in accordance with Section 24 CFR 982.552, including termination of assistance for violation of any family obligations described in Section 24 CFR 982.632 and/or in SNRHA's Housing Choice Voucher Administrative Plan, Chapter 15 "Denial/Termination of Assistance".
- Homeownership Participants who opt out of this program or who are terminated must reapply for Housing Choice Voucher Tenant-Based Assistance if they choose, only when the wait list is opened.
- SNRHA will further terminate assistance for any member of the family that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage securing debt incurred to purchase the home, or any refinancing of such debt.

#### **ADDITIONAL REQUIREMENTS**

- Annual re-exams will be conducted and appropriate adjustments made.
- Two late mortgage payments within six- (6) month period may result in required post counseling for which the client must attend or be terminated from the HCV Homeownership program.

#### **OTHER ITEMS**

- SNRHA will earn the same administrative fees as in the tenant-based rental program for each month that home ownership assistance is paid.
- The family must provide SNRHA with a copy of the contract of sale.
- Head of household and any spouse of the head of household that has previously defaulted on a mortgage obtained through the home ownership option are barred from receiving future Housing Choice Voucher homeownership assistance.



- Prohibition on ownership interest on second residence: During the time the family receives homeownership assistance, no family member may have any ownership interest in any other residential property [24CFR 982.633 (7).]

### ***Homeownership Expenses***

SNRHA has established the following allowances to be used in determining expenses for all homeownership families. Deductions are:

- Principle and Interest on initial mortgage
- Utility Allowance
- Current participants with current HOA allowances as of July 2012 shall be grandfathered to allow the allowance to remain for condos only. All future participants shall not receive HOA allowances. SNRHA shall not pay increased subsidy towards mortgage loans as a result of equity loan after the initial contract or any other increases in mortgage debt amounts.
- SNRHA shall decrease subsidy assistance when refinancing of the mortgage results in lowered payments.
- Real Estate Taxes
- Home Insurance
- \$50 monthly home repair
- \$50 maintenance allowance

### **15-VIL.G. HOME INSPECTIONS, CONTRACT OF SALE, AND SNRHA DISAPPROVAL OF SELLER [24 CFR 982.631]**

#### **Home Inspections**

SNRHA may not commence monthly homeownership assistance payments or provide down payment assistance grants for a family until SNRHA has inspected the unit and has determined that the unit passes HQS.

HQS Inspections may be completed after closing but prior to contract effective date of the HAP contract. However, we will require a passed HQS Inspection.

An independent professional inspector selected by and paid for by the family must inspect the unit. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.

SNRHA may not require the family to use an independent inspector selected by SNRHA. The independent inspector may not be a SNRHA employee or contractor, or other person under control of SNRHA. However, SNRHA may establish standards for qualification of inspectors selected by families under the homeownership option.

SNRHA may disapprove a unit for assistance based on information in the independent inspector's report, even if the unit was found to comply with HQS.



SNRHA shall not conduct annual HQS inspections on homeownership units after the first initial Inspection.

### **Contract of Sale**

Before commencement of monthly homeownership assistance payments, a member or members of the family (one must be head of household) must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give SNRHA a copy of the contract of sale. The contract of sale must:

- Specify the price and other terms of sale by the seller to the purchaser;
- Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser;
- Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser;
- Provide that the purchaser is not obligated to pay for any necessary repairs; and
- Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under CFR part 24.

### **Disapproval of a Seller**

In its administrative discretion, SNRHA may deny approval of a seller for the same reasons a SNRHA may disapprove an owner under the regular HCV program [see 24 CFR 982.306(c)].

### **15-VII.H. FINANCING [24 CFR 982.632]**

SNRHA may establish requirements for financing purchase of a home under the homeownership option. This may include requirements concerning qualification of lenders, terms of financing, restrictions concerning debt secured by the home, lender qualifications, loan terms, and affordability of the debt. SNRHA must establish policies describing these requirements in the administrative plan.

#### SNRHA Policy

As a check against predatory lending, SNRHA will review the financing and refinancing of each purchase transaction, including estimated closing cost. SNRHA will not approve loans for features, such as balloon payments, adjustable rate mortgages, and unusually high interest rates. SNRHA will not approve any loans that contain predatory practices. SNRHA also will not approve “seller financing” or “owner held” mortgages. Beyond these basic criteria, SNRHA will rely on the lenders or the secondary market to determine the loan that will be affordable to program participants.

A SNRHA may not require that families acquire financing from one or more specified lenders, thereby restricting the family’s ability to secure favorable financing terms.

### **15-VII.I. CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS [24 CFR 982.633]**

Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, SNRHA may not continue homeownership assistance after the month when



the family moves out. The family or lender is not required to refund to SNRHA the homeownership assistance for the month when the family moves out.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

The family must comply with the following obligations:

- The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.
- The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to 24 CFR 982.551 (h) and (i).
- The family must supply information to SNRHA or HUD as specified in 24 CFR 982.551(b). The family must further supply any information required by SNRHA or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.
- The family must notify SNRHA within 30 calendar days, when they have refinanced their mortgage or taken out an equity loan and provide the new documents.
- The family must notify SNRHA before moving out of the home.
- The family must notify SNRHA if the family defaults on the mortgage used to purchase the home.
- No family member may have any ownership interest in any other residential property.
- The family may comply with all post assistance counseling requirements.
- The family must comply with the obligations of a participant family described in 24 CFR 982.551, except for the following provisions which do not apply to assistance under the homeownership option: 24 CFR 982.551(c), (d), (e), (f), (g) and (j).
- The family must, at annual reexamination, document that the family is current on mortgage, insurance, taxes and utility payments.

#### **15-VII.J. MAXIMUM TERM OF HOMEOWNER ASSISTANCE [24 CFR 982.634]**

Except in the case of a family that qualifies as an elderly or disabled family, other family members (described below) 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.

The maximum term described above applies to any member of the family who:

- Has an ownership interest in the unit during the time that homeownership payments are made; or
- Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.





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 six (6) months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance).

If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in this part.

### **15-VII.K. HOMEOWNERSHIP ASSISTANCE PAYMENTS AND HOMEOWNERSHIP EXPENSES [24 CFR 982.635]**

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment. This amount shall not increase as a result of the family taking out equity loans or other loan mortifications resulting in increased mortgage payments.

In determining the amount of the homeownership assistance payment, SNRHA will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described in elsewhere in this plan for the Housing Choice Voucher program.

SNRHA may pay the homeownership assistance payments directly to the family, or at SNRHA's discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, SNRHA must pay the excess directly to the family.

Homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family. However, SNRHA may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

#### SNRHA Policy

SNRHA will allow the following homeownership expenses:

The PHA must adopt policies for determining the amount of homeownership expenses to be allowed by the PHA in accordance with HUD requirements.

Homeownership expenses (not including cooperatives) only include amounts allowed by the PHA to cover:

Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;

SNRHA utility allowance for the home;

Principal and interest on mortgage debt;

Real Estate Taxes



#### Home Insurance

\$50 monthly home repair

\$50 maintenance allowance

If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person;

Land lease payments where a family does not own fee title to the real property on which the home is located; [see 24 CFR 982.628(b)].

For a condominium unit, condominium operating charges, or maintenance fees assessed by the condominium homeowner association; HOA for condos currently under the HCV Program shall remain and considered grandfathered in to receive this deduction. All others will be removed at the next annual.

Monthly principal and interest on debt for handicap accessible improvements.

Land lease payments where a family does not own fee title to the real property on which the home is located; [see 24 CFR 982.628(b)].

Homeownership expenses for a cooperative member may only include amounts allowed by the PHA to cover:

The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;

Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;

Home insurance;

\$50.00 annually

SNRHA utility allowance for the home; and

Major repairs and replacement limited to \$100.00 annually

Maintenance Allowance of \$50.00 annually

SNRHA will not deduct additional expenses for homes such as extra home life coverage, etc. take out against a mortgage nor will it pay additional subsidy for equity loans against the original mortgage or other refinancing that result in increased payments. Refinancing that result in decreased mortgage obligations shall result in decreased subsidy payments effective the month after the change. All changes must be reported in writing within 30 calendar days of the effective date.

#### **15-VII.L. PORTABILITY [24 CFR 982.636, 982.637, 982.353(b) and (c), 982.552, 982.553]**



Subject to the restrictions on portability included in HUD regulations and SNRHA policies, a family may exercise portability if the receiving PHA is administering a voucher homeownership program and accepting new homeownership families. SNRHA may absorb the family into its voucher program, or bill the initial PHA.

The family must attend the briefing and counseling sessions required by SNRHA. SNRHA will determine whether the financing for, and the physical condition of the unit, are acceptable. The receiving PHA must promptly notify the initial PHA 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 PHA.

#### **15-VII.M. MOVING WITH CONTINUED ASSISTANCE [24 CFR 982.637]**

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

SNRHA may deny permission to move to a new unit with continued voucher assistance as follows:

- Lack of funding to provide continued assistance.
- At any time, SNRHA may deny permission to move with continued rental or homeownership assistance in accordance with 24 CFR 982.638, regarding denial or termination of assistance.
- In accordance with SNRHA's policy regarding number of moves within a 12-month period.

SNRHA must deny the family permission to move to a new unit with continued voucher rental assistance if:

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

#### SNRHA Policy

For families participating in the homeownership option, requests to move will be approved and/or denied in accordance with SNRHA policies stated in Chapter 10.

SNRHA will not require additional counseling of any families who move with continued assistance.

#### **15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638]**

At any time, SNRHA may deny or terminate homeownership assistance in accordance with HCV program requirements in 24 CFR 982.552 (Grounds for denial or termination of assistance) or 24 CFR 982.553 (Crime by family members).

SNRHA may also deny or terminate assistance for violation of participant obligations described in 24 CFR Parts 982.551 or 982.633 and in accordance with its own policy, with the exception of failure



to meet obligations under the Family Self-Sufficiency program as prohibited under the alternative requirements set forth in FR Notice 12-29-2014.

SNRHA must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt.

#### SNRHA Policy

SNRHA will terminate a family's homeownership assistance if the family violates any of the homeowner obligations, as well as for any of the reasons listed in the Statement of Homeownership Obligation Housing Choice Voucher Homeownership Program. In making its decision to terminate homeownership assistance, SNRHA will consider alternatives as described in Section 12-IIC and other factors described in Section 12-II D. Upon consideration of such alternatives and factors, SNRHA may, on a case-by-case basis, choose not to terminate assistance.

Termination notices will be sent in accordance with the requirements and policies set forth in Section 12-IIE.

### **15-VII.O. DEFAULT**

#### SNRHA Policy

If the family defaults on the home mortgage loan, the participant will not be able to use the homeownership voucher for rental housing but may reapply for the Section 8 -HCV waiting list, if the waiting list is open.

### **15-VII.P. RECAPTURE**

#### SNRHA Policy

By regulation, SNRHA cannot recapture any of the HCV Homeownership assistance, unless there is an act of fraud.



## Chapter 16

### PROGRAM INTEGRITY

#### INTRODUCTION

SNRHA is committed to ensuring that subsidy funds made available to SNRHA are spent in accordance with HUD requirements.

This chapter covers HUD and SNRHA 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 SNRHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures SNRHA must and may take when errors or program abuses are found.

#### **PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE**

##### **16-1.A. PREVENTING ERRORS AND PROGRAM ABUSE**

###### SNRHA Policy

SNRHA anticipates that the vast majority of families, owners, and SNRHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors.

To ensure that SNRHA's HCV program is administered effectively and according to the highest ethical and legal standards, SNRHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

- SNRHA will discuss program compliance and integrity issues during the voucher briefing sessions described in Chapter 7
- SNRHA will provide each applicant and participant with the publication *Things You Should Know (HUD-1140-OIG)* that explains the types of actions a family must avoid and the penalties for program abuse
- SNRHA will place a warning statement about the penalties for fraud (as described in the False Statement Act, U.S.C. 1001 and 1010) on key PHA forms and form letters that request information from a family or owner
- SNRHA staff will be required to review and explain the contents of all HUD-SNRHA required forms if any member require further clarification.
- SNRHA will provide each SNRHA employee with the necessary information on program rules and the organization's standards of conduct and ethics.



For purposes of this chapter fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Fraud and abuse by a participant or applicant therefore, may constitute an intentional misrepresentation of income, assets, and allowances, or intentional misrepresentation of income, assets, and allowances, or intentional misrepresentation of family composition or initiating and participating in bribes or other illegal activities. Intentional may mean a claim that a participant or applicant knows or has reason to know is false, fictitious, or fraudulent. Knows or has reason to know may mean a person acts in deliberate ignorance of the truth or acts in reckless disregard of the truth or falsity of the claim or statement.

## **16-I.B. DETECTING ERRORS AND PROGRAM ABUSE**

In addition to taking steps to prevent errors and program abuse, SNRHA will use a variety of activities to detect errors and program abuse. These systems shall include quality control systems above the SEMAP requirements as well as the use of HUD's EIV reports to identify unreported income.

### **Quality Control and Analysis of Data**

Under the Section 8 Management Assessment Program (SEMAP), HUD requires SNRHA to review a random sample of tenant records annually to determine if the records conform to program requirements and to conduct quality control inspections of a sample of units to ensure HQS compliance [24 CFR, Part 985]. (See Chapter 14 for additional information about SEMAP requirements).

#### SNRHA Policy

In addition to the SEMAP quality control requirements, SNRHA will employ a variety of methods to detect errors and program abuse.

#### Quality Control File Reviews

Prior to initial certification, and at the completion of all subsequent recertification's, each family file will be reviewed. Such reviews may include, but are not limited to:

- Changes in reported Social Security Numbers or dates of birth.
- Authenticity of file documents.
- Ratio between reported income and expenditures.
- Review of signatures for consistency with previously signed file documents.
- Assurance that verification of all income and deduction is present.
- Verification Hierarchy steps were followed when actions were processed.
- Use of HUD EIV
- Credit Bureau Inquiries (may also be used when an allegation is received by SNRHA wherein unreported income sources are disclosed or when a family's expenditures exceed his/her reported income, and no plausible explanation is given).

In addition to the required SEMAP documentation, supervisory staff or their designee will audit tenant files each month for completed transactions:



- SNRHA will conduct 100% QC for all HAP Contracts
- The sample size selected for SEMAP QC will be according to the following method
  - Interims, port ins and annual recertifications
  - New Admissions: QC and 90-day reviews
  - Universe minimum number of files or records to be sampled
    - 50 or less = 5 files
    - 51-600 = 5 files plus 1 for each 50 (or part of 50) over 50
    - 601-2000 = 16 files plus 1 for each 100 (or part of 100) over 600
    - Over 2000 = 30 files plus 1 for each 200 (or part of 200) over 2000

### **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 PHA activities and notifies the PHA of errors and potential cases of program abuse.

#### SNRHA Policy

SNRHA will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses and to assess the effectiveness of SNRHA's error detection and abuse prevention efforts.

### **Individual Reporting of Possible Errors and Program Abuse**

#### SNRHA Policy

SNRHA will encourage staff, program participants, and the public to report possible program abuse.

## **16-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE**

### **When SNRHA Will Investigate**

#### SNRHA Policy

SNRHA 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 SNRHA to investigate, the allegation must be in writing should include the address of the suspected violator and must contain at least one to two to independently-verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

SNRHA may investigate inconsistent information related to the family that is identified through file reviews and the verification process.



SNRHA may conduct a postal verification by sending a certified letter with a return receipt to the assisted address in the name of the unauthorized person as an investigation method.

### **Consent to Release of Information [24 CFR 982.516]**

SNRHA may investigate possible instances of error or abuse using all available PHA and public records. If necessary, SNRHA will require HCV families to give consent to the release of additional information.

### **Analysis and Findings**

#### SNRHA Policy

SNRHA 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 SNRHA will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed to SNRHA, 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 SNRHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

#### SNRHA Policy

In the case of family-caused errors or program abuse, SNRHA 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.

In the case of owner-caused errors or program abuse, SNRHA will take into consideration (1) the seriousness of the offense, (2) the length of time since the violation has occurred, and (3) the effects of a particular remedy on family members who were not involved in the offense.

In the case of staff caused errors or program abuse, SNRHA will take into consideration (1) the seriousness of the offense, (2) the length of time since the violation has occurred, and (3) the effects it may have on the agency, program participant, or HUD.





## Notice and Appeals

### SNRHA Policy

If evidence of program abuse is found, SNRHA will inform the relevant party in writing of its findings and remedies within 30 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 SNRHA determined the error or program abuses, (3) the remedies to be employed, (4) the family's right to appeal the results through the informal hearing process, if applicable (see Chapter 14), and (5) the staff member rights per the Collective Bargaining Agreement. Exception to the above time frames may be affected by state or federal prosecution.

## **PART II: CORRECTIVE MEASURES AND PENALTIES**

If as a result of its assessment the PHA determines the family, owner, or PHA employee has abused the program, the PHA must take immediate actions to remedy the situation. The PHA may at any time deny program assistance to an applicant or terminate program assistance for a participant if any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program. The PHA's actions will vary, depending upon the extent and nature of the abuse. The PHA must determine that a preponderance of evidence demonstrates that the action taken by the family, owner, property management company, or employee was willful and intentional, in order to terminate assistance on the basis of fraud or abuse.

### **16-II.A. SUBSIDY UNDER- OR OVERPAYMENTS**

A subsidy under- or overpayment includes (1) an incorrect housing assistance payment to the owner, (2) an incorrect family share established for the family, and (3) an incorrect utility reimbursement to a family.

#### **Corrections**

Whether the incorrect subsidy determination is an overpayment or underpayment of subsidy, SNRHA must promptly correct the HAP, family share, and any utility reimbursement prospectively. Except, if a higher bedroom size voucher is issued in error (during a family's initial lease-up, ReHAP, or move) the family will not be penalized. The family's correct voucher size will be adjusted at their next annual examination or if the family moves.

### SNRHA Policy

Increases in the family share will be implemented only after the family has received at least 30 days' notice.

Any decreases in family share will become effective the first of the month following the reported change upon discovery of the error.

#### **Reimbursement**

Whether the family or owner is required to reimburse SNRHA or SNRHA is required to make retroactive subsidy payments to the owner or family depends upon which party is responsible for



the incorrect subsidy payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

## **16-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE**

Family obligations and general administrative requirements for participating in the program are discussed throughout this plan. This section deals specifically with errors and program abuse by family members.

An incorrect subsidy 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 SNRHA to use incorrect information provided by a third party.

### **Family Reimbursement to SNRHA [HCV GB pp. 22-12 to 22-13]**

#### SNRHA Policy

In the case of family-caused errors or program abuse, the family will be required to repay any excess subsidy received. SNRHA may, but is not required to, accept a repayment agreement in accordance with Chapter 14. If the family fails to repay the excess subsidy within the SNRHA guidelines, the PHA will terminate the family's assistance in accordance with the policies in Chapter 12.

### **SNRHA Reimbursement to Family [HCV GB p. 22-12]**

#### SNRHA Policy

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

### **Prohibited Actions**

An applicant or participant in the HCV program must not knowingly:

- Make a false statement to SNRHA [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.552(c)(iv)].

#### SNRHA Policy

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

- Payment to the owner in excess of amounts authorized by SNRHA for rent, security deposit, and additional services
- Offering bribes or illegal gratuities to the PHA Board of Commissioners, employees, contractors, or other PHA representatives
- Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to the PHA 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. income, 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
- Any ownership interest in the assisted unit

SNRHA 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 SNRHA may, at its discretion, impose any of the following remedies.

- SNRHA may require the family to repay excess subsidy amounts paid by SNRHA, as described earlier in this section
- SNRHA 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 12 (for participants)
- SNRHA may deny or terminate the family's assistance following the policies set forth in Chapter 3 and Chapter 12 respectively
- SNRHA may refer the family for state or federal criminal prosecution as described in section 16-II.E.

### **16-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE**

Owner requirements that are part of the regular process of offering, leasing, and maintaining a unit (e.g., HQS compliance, fair housing) are addressed in the appropriate chapters of this plan. This section focuses on errors and program abuse by owners.

An incorrect subsidy determination caused by an owner generally would be the result of an incorrect owner statement about the characteristics of the assisted unit (e.g., the number of bedrooms, which utilities are paid by the family). It also includes accepting duplicate housing assistance payments for the same unit in the same month, or after a family no longer resides in the unit.

#### **Owner Reimbursement to SNRHA**

In all cases of overpayment of subsidy caused by the owner, the owner must repay to SNRHA any excess subsidy received. SNRHA may recover overpaid amounts by withholding housing assistance payments due for subsequent months, or if the debt is large, SNRHA may allow the owner to pay in installments over a period of time [HCV GB p. 22-13].

#### SNRHA Policy

In cases where the owner has received excess subsidy, SNRHA will require the owner to repay the amount owed in accordance with the policies in Section 14-IV.B.



## **Prohibited Owner Actions**

An owner participating in the HCV program must not:

- Make any false statement to the PHA [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.453(a)(3)] including:

### SNRHA Policy

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

- Charging the family rent above or below the amount specified by SNRHA
- Charging a security deposit other than that specified in the family's lease
- Charging the family for services that are provided to unassisted tenants at no extra charge
- Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit
- Knowingly accepting incorrect or excess housing assistance payments
- Offering bribes or illegal gratuities to SNRHA Board of Commissioners, employees, contractors, or other SNRHA representatives
- Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to SNRHA
- Residing in the unit with an assisted family
- Committing sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2.
- Retaliating against any applicant or participant reporting/alleging sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2.
- Familial relationship between the owner and a member of the assisted household.

## **Remedies and Penalties**

When SNRHA determines that the owner has committed program abuse, the PHA may take any of the following actions:

- Require the owner to repay excess housing assistance payments, as discussed earlier in this section and in accordance with the policies in Chapter 14.
- Terminate the HAP contract (See Chapter 12).
- Bar the owner from future participation in any SNRHA programs for five (5) years.
- Refer the case to state or federal officials for criminal prosecution as described in section 16-II.E.



## **16-II.D. SNRHA-CAUSED ERRORS OR PROGRAM ABUSE**

The responsibilities and expectations of SNRHA staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of a SNRHA staff member that are considered errors or program abuse related to the HCV program. Additional standards of conduct may be provided in SNRHA personnel policy.

SNRHA-caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, and (3) errors in calculation.

### **Repayment to SNRHA**

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by SNRHA staff [HCV GB. 22-12].

### **SNRHA Reimbursement to Family or Owner**

SNRHA must reimburse the owner for any underpayment of subsidy, regardless of whether the underpayment was the result of staff-caused error or owner program abuse. SNRHA will only reimburse the family for an underpayment of subsidy for staff-caused errors or owner program abuse if the family no longer resides in the unit of occurrence. Funds for this reimbursement must come from SNRHA's administrative fee reserves [HCV GB p. 22-12].

### **Prohibited Activities**

#### SNRHA Policy

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

- Failing to comply with any HCV program requirements for personal gain
- Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant, participant, owner, property management company, or any vendor doing business with SNRHA
- Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to SNRHA
- Conducting SNRHA business without authorization or approval from management in writing
- Failure to follow HUD's verification hierarchy
- Intentionally calculating total tenant payment or housing assistance payments incorrectly
- Intentionally making incorrect income determinations of family eligibility, including certifying as eligible otherwise ineligible applicants, coaching applicants to falsify documents, or changing an applicant's position on the waiting list
- Willful passing of units not meeting HQS and/or local standards



- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of SNRHA activities, policies, or practices
- Misappropriating or misusing HCV funds
- Destroying, concealing, removing, or inappropriately using any records related to the HCV program
- Committing any other corrupt or criminal act in connection with any federal housing program
- Intentionally making incorrect income determinations of family eligibility, including certifying as eligible otherwise ineligible applicants, coaching applicants and/or participants, falsify documents or changing an applicant's position on the waiting list.
- Willful passing of units not meeting HQS and/or local standards.
- Disclosing confidential or proprietary information to outside parties
- Falsification of records or documentation, includes paper and electronics
- Gaining profit as a result of insider knowledge of SNRHA activities, policies or practices.

### **Possible Remedies for Abuse by Employees**

If the PHA determines that any employee has abused the program, it must take whatever action is appropriate under its personnel policies and law. Actions may include putting the employee on probation, giving the employee a poor performance evaluation, requiring the employee to take leave without pay, terminating the employee, and/or filing a criminal complaint.

### **16-II.E. CRIMINAL PROSECUTION**

#### SNRHA Policy

When SNRHA determines that program abuse by an owner, family, or SNRHA staff member has occurred and the amount of overpaid subsidy meets or exceeds the threshold for prosecution under local or state law, SNRHA will refer the matter to the appropriate entity for prosecution. When the amount of overpaid assistance 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 HCV program will be referred to the appropriate local, state, or federal entity.

### **16-II.F. FRAUD AND PROGRAM ABUSE RECOVERIES**

SNRHA may retain a portion of program fraud losses that SNRHA recovers from a family or owner through litigation, court order, or a repayment agreement [24 CFR 982.163].



SNRHA must be the principal party initiating or sustaining the action to recover amounts due from tenants and owners/management companies that are due as a result of fraud and abuse. 24 CFR 792.202 permits the PHA to retain the greater of:

- 50 percent of the amount it actually collects from a judgment, litigation (including settlement of a lawsuit) or an administrative repayment agreement, or
- Reasonable and necessary costs that SNRHA incurs related to the collection including costs of investigation, legal fees, and agency collection fees.

The family must be afforded the opportunity for an informal hearing in accordance with requirements in 24 CFR 982.555.

If HUD incurs costs on behalf of SNRHA related to the collection, these costs must be deducted from the amount retained by SNRHA.

SNRHA shall encourage its collection agency to place liens on properties for owners for owe debts that have not been paid after notice from SNRHA in compliance with Nevada laws.

### **16-II.G. CONFIDENTIAL AND HIGH PROFILE CASES**

Confidential and high-profile cases will be assigned to a member of the Housing Programs Management Staff. Such cases can include situations in which staff receive rental subsidy, have relatives under the program, or have an interest in a unit under contract. When a confidential or high profile case is identified, the file shall be reassigned in YARDI to management. In some cases, SNRHA may transfer the case(s) to another PHA to administer the voucher through a Memorandum of Understanding. All SNRHA staff must complete an “Employee Restricted Access” Form (aka Conflict of Interest Form) at onset of employment and anytime there is a change resulting in a conflict of interest.

Staff will receive disciplinary action if they enter SNRHA’s YARDI system to access a file in which they have any affiliation.



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## Chapter 17

### PROJECT-BASED VOUCHERS

#### INTRODUCTION

This chapter describes HUD regulations and SNRHA policies related to the project-based voucher (PBV) program in nine parts:

Part I: General Requirements. This part describes general provisions of the PBV program including maximum budget authority requirements, relocation requirements, and equal opportunity requirements.

Part II: PBV Owner Proposals. This part includes policies related to the submission and selection of owner proposals for PBV assistance. It describes the factors SNRHA will consider when selecting proposals, the type of housing that is eligible to receive PBV assistance, the cap on assistance at projects receiving PBV assistance, subsidy layering requirements, site selection standards, and environmental review requirements.

Part III: Dwelling Units. This part describes requirements related to housing quality standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Rehabilitated and Newly Constructed Units. This part describes requirements and policies related to the development and completion of rehabilitated and newly constructed housing units that will be receiving PBV assistance.

Part V: Housing Assistance Payments Contract. This part discusses HAP contract requirements and policies including the execution, term, and termination of the HAP contract. In addition, it describes how the HAP contract may be amended and identifies provisions that may be added to the HAP contract at SNRHA's discretion.

Part VI: Selection of PBV Program Participants. This part describes the requirements and policies governing how SNRHA and the owner will select a family to receive PBV assistance.

Part VII: Occupancy. This part discusses occupancy requirements related to the lease, and describes under what conditions families are allowed or required to move. In addition, exceptions to the occupancy cap (which limits PBV assistance to 25 percent of the units in any project) are also discussed.

Part VIII: Determining Rent to Owner. This part describes how the initial rent to owner is determined, and how rent will be re-determined throughout the life of the HAP contract. Rent reasonableness requirements are also discussed.

Part IX: Payments to Owner. This part describes the types of payments owners may receive under this program.

Part X: Rental Assistance Demonstration (RAD) Program.



## **PART I: GENERAL REQUIREMENTS**

### **17-I.A. OVERVIEW [24 CFR 983.5; FR Notice 1/18/17; Notice 2017-21]**

The project-based voucher (PBV) program allows SNRHA that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its voucher program budget authority and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. SNRHA may only operate a PBV program if doing so is consistent with SNRHA's Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)]. The PHA may not commit PBV until or unless it has followed the proposal selection requirements defined in 24 CFR 983.51 (Notice PIH 2011-54).

#### SNRHA Policy

SNRHA will operate a project-based voucher program using up to 30 percent of its budget authority for project-based assistance.

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, SNRHA is not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, SNRHA is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC [24 CFR 983.6].

While HUD's permission is not required to operate a PBV program, before SNRHA issues a Request for Proposal or makes a selection, SNRHA must submit the following information to HUD field office for review (24 CFR 983.6 (d)).

- The total amount of annual budget authority
- The percentage of annual budget authority to be project-based
- The total amount of the annual budget authority the PHA is planning to project-base pursuant to the selection and the number of units that such budget authority will support.

### **17-I.B. APPLICABLE REGULATIONS**

On the whole, the regulations for both the standard and RAD PBV programs generally follow the regulations for the tenant-based HCV program found at 24 CFR Part 982. However, important parts of the tenant-based regulations do not apply to the project-based program. 24 CFR Part 983 outlines the sections of 24 CFR Part 982 that are not applicable to the project-based program.

For the RAD PBV program, Congress authorized HUD to waive certain statutory and regulatory provisions or establish alternative requirements from the standard PBV program. These provisions are identified in Notice 2019-23 (issued September 5, 2019). Any non-RAD PBV units located in the covered project are subject to the same waivers and alternative requirements where noted in Notice PIH 2019-23 and in this policy.



Otherwise, all regulatory and statutory requirements for the standard PBV program in 24 CFR Part 983 and Section 8(o)(13) of the Housing Act of 1937, and all applicable standing and subsequent Office of Public and Indian Housing (PIH) notices and guidance, including related handbooks, apply to RAD PBV. This includes environmental review, Davis-Bacon, and fair housing requirements.

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Public Law 112-55, approved November 18, 2011), as amended by the Consolidated Appropriations Act of 2014 (Public Law 113-76, approved January 17, 2014), the Consolidated and Further Continuing Appropriations Act of 2015 (Public Law 113-235, approved December 6, 2014), the Consolidated Appropriations Act of 2016 (Public Law 114-113, approved December 18, 2015), the Consolidated Appropriations Act, 2017 (Public Law 115-31, approved May 5, 2017), and section 237 of Title II, Division L, Transportation, Housing and Urban Development, and Related Agencies, of the Consolidated Appropriations Act, 2018 (Public Law 115-141, approved March 23, 2018) collectively, the “RAD Statute.”

**Requirements specific to the RAD program may be found in the following:**

- Generally, public housing projects converting assistance under RAD are bound by the terms of the notice in effect at the time of closing.
  - Notice PIH 2019-23 was immediately applicable at the time of closing to all projects converting assistance (notwithstanding execution of a commitment for conversion). Notice PIH 2019-23 was published on September 5, 2019.
    - Except with respect to changes in the project eligibility and selection criteria, not included in this policy, which are effective after a 30-day comment period.
  - Notice PIH 2012-32 REV-3 was applicable to projects that were seeking conversion of assistance through RAD, including those where a CHAP had already been issued when it was published January 12, 2017.
    - Except with respect to changes in the project eligibility and selection criteria, not included in this policy, which were effective after a 30-day comment period.
  - Notice PIH 2012-32, REV-2 was applicable to projects that were seeking conversion of assistance through RAD, including those where a CHAP had already been issued when it was published June 15, 2015.
    - Except with respect to changes in the project eligibility and selection criteria, not included in this policy, which are effective after a 30-day comment period.
- RAD Quick Reference Guide for Public Housing Converting to PBV Assistance (10/14)



- RAD Welcome Guide for New Awardees: RAD 1st Component (3/15)
- Notice PIH 2016-17, Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions.

This Notice applies to all projects that have applied for RAD conversion but have not yet converted as of November 10, 2016.

- Notice PIH 2014-17, Relocation Requirements under the RAD Program, Public Housing in the First Component.

This notice may apply to projects that have converted to RAD prior to November 10, 2016, AND who have requested and received approval from HUD to be governed by this notice. See PIH Notice 2016-17, Section 1, Paragraph 1.3 for applicability.

NOTE: The policies in this chapter follow Notice PIH 2016-17. If your project falls under PIH 2014-17, applicable policies may be found in Section 18-I.D.

- RAD FAQs (<http://www.radresource.net/search.cfm>)

In other words, the standard PBV program follows many of the same regulations as the tenant-based HCV program, but not all of them, and the RAD PBV program follows many of the same regulations as the standard PBV program, but not all of them.

MTW agencies are able to apply activities impacting the PBV program that are approved in the MTW Plan to properties converting under RAD, provided they do not conflict with RAD requirements.

### **17-I.C. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]**

Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of SNRHA policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

#### SNRHA Policy

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, SNRHA policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants.

### **17-I.D. RELOCATION REQUIREMENTS [24 CFR 983.7]**

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.



The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. SNRHA may not use voucher program funds to cover relocation costs, except SNRHA may use their administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR 982.155 and other official HUD issuances.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. It is the responsibility of SNRHA to ensure the owner complies with these requirements.

For projects that apply for conversion of assistance under the First Component of RAD and will convert November 10, 2016 or later, the following applies [Notice PIH 2016-17]:

- In some developments, in-place residents may need to be relocated as a result of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed. Any non-RAD PBV units located in the same project are also subject to the right to return.
- Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements, and other requirements which may be applicable such as Section 104(d) of the Housing and Community Development Act of 1974, as amended. Sample informing notices are provided in Appendices 2–5 of Notice PIH 2014-17. A written relocation plan is required if the RAD conversion involves permanent relocation (including a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than a year. While the PHA is not required to have a written relocation plan for temporary relocation lasting one year or less, HUD strongly encourages PHAs to prepare one. Appendix II of Notice PIH 2016-17 contains recommended contents for a relocation plan.
- In addition, PHAs must undertake a planning process that complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), although not all relocations under RAD will trigger requirements under URA. URA statute and implementing regulations may be found at 49 CFR Part 24. The obligation due to relocating residents under RAD are broader than URA relocation assistance and payments.
- Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to either: a) a unit at the development once rehabilitation or construction is completed, provided the resident's household is not under-housed; or b) a unit in the development which provides the same major features as the resident's unit in the development prior to the implementation of the RAD conversion.
- Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.



- If the PHA's proposed plans for conversion would preclude a resident from returning to the development, the resident must be given an opportunity to comment and/or object to such plans. PHAs must alter the project plans to accommodate the resident's right to return to the development if the resident would be precluded from returning to the development.
- Examples of project plans that may preclude a resident from returning to the development include, but are not limited to:

Changes in the development's bedroom distribution that decrease the size of the units, resulting in the resident being under-housed;

The resident cannot be accommodated in the remaining assisted units due to a reduction in the number of assisted units at the development;

Income limit eligibility requirements associated with the LIHTC program or another program; and

Failure to provide a reasonable accommodation, in violation of applicable law, where reasonable accommodation may include installation of accessibility features that are needed by the resident.

- Residents of a development undergoing conversion that would be precluded from returning to the development may voluntarily accept a PHA or owner's offer to permanently relocate to alternative housing, and thereby waive their right to return to the development after rehabilitation or construction is completed. In this event, the PHA must secure the resident's written consent to a voluntary permanent relocation in lieu of returning to the development. PHAs are prohibited from employing any tactics to pressure residents into relinquishing their right to return or accepting other housing options. Additionally, a PHA may not terminate a resident's lease if the PHA fails to obtain the resident's consent and the resident seeks to exercise the right to return.
- In the case of multi-phase RAD transactions, the resident has a right to return to the development or to other converted phases of the development that are available for occupancy at the time the resident is eligible to exercise their right of return. Generally, the resident's right to return must be accommodated within the development associated with the resident's original unit, however, the PHA may treat multiple converted developments on the same site as one for purposes of right to return. Should the PHA seek to have the resident exercise the right to return at a future phase, the PHA must secure the resident's consent in writing.
- Alternative housing options may involve a variety of housing options, including but not limited to:
  - Transfers to public housing
  - Admission to other affordable housing properties subject to the applicable program rules
  - Housing choice voucher (HCV) assistance
  - Homeownership programs subject to the applicable program rules
  - Other options identified by the PHA
  - However, for projects that applied for conversion prior to November 10, 2016, the following applies [Notice PIH 2014-17]:



- In some developments, in-place residents may need to be relocated as a result of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed.
- Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements. Sample informing notices are provided in Appendices 2–5 of Notice PIH 2014-17. While the PHA is not required to have a written relocation plan, HUD strongly encourages PHAs to prepare one. Appendix I of Notice PIH 2014-17 contains recommended contents for a relocation plan.
- In addition, PHAs must undertake a planning process that complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), although not all relocations under RAD will trigger requirements under URA. URA statute and implementing regulations may be found at 49 CFR Part 24.
- Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the development once rehabilitation or construction is completed. Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. Residents of a development undergoing conversion of assistance may voluntarily accept a PHA or owner’s offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed.

### **17-I.E. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8, 24 CFR 5.105, Notice PIH 2016-17]**

RAD conversions are governed by the same civil rights authorities that govern HUD-assisted activities in general. These authorities prohibit discrimination and impose affirmative obligations on HUD program participants.

SNRHA must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. In addition, SNRHA must comply with the SNRHA Plan Certification on Civil Rights and Affirmatively Furthering Fair Housing and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance. For example, persons with disabilities returning to the RAD project may not be turned away or placed on a waiting list due to a lack of accessible units. Their need for an accessible unit must be accommodated. See the *RAD Fair Housing, Civil Rights, and Relocation Notice* [Notice PIH 2016-17] for more information.



## **PART II: PBV OWNER PROPOSALS**

### **17-II.A. OVERVIEW**

SNRHA must describe the procedures for owner submission of PBV proposals and for SNRHA selection of PBV proposals [24 CFR 983.51]. Before selecting a PBV proposal, SNRHA must determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per project [24 CFR 983.56 as amended by 73 FR 71038], and meets the site selection standards [24 CFR 983.57].

### **17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51]**

SNRHA must select PBV proposals in accordance with the selection procedures in the SNRHA administrative plan. SNRHA must select PBV proposals by either of the following two methods.

- SNRHA request for PBV Proposals. SNRHA may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to SNRHA's request. SNRHA may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.
- SNRHA may select proposal that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, 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 PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance.

#### **Solicitation and Selection of PBV Proposals [24 CFR 983.51 (c)]**

SNRHA procedures for selecting PBV proposals must be designed and actually operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by SNRHA. The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice. The public notice of SNRHA's request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

#### SNRHA Policy

#### SNRHA Request for Proposals for Rehabilitated and Newly Constructed Units

SNRHA will advertise its request for proposals (RFP) for rehabilitated and newly constructed housing in the following newspapers and trade journals.

- Las Vegas Review Journal/Sun
- El Mundo
- Las Vegas Asian Journal





- Asian-American Times
- El Tiempo

In addition, SNRHA will post the RFP and proposal submission and rating and ranking procedures on its electronic web site.

SNRHA will publish its advertisement in the newspapers and trade journals mentioned above for at least one day per week for three consecutive weeks. The advertisement will specify the number of units SNRHA estimates that it will be able to assist under the funding SNRHA is making available. Proposals will be due in the SNRHA office by close of business 30 calendar days from the date of the last publication.

In order for the proposal to be considered, the owner must submit the proposal to SNRHA by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.

SNRHA will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

Owner experience and capability to build or rehabilitate housing as identified in the RFP;

Extent to which the project furthers the SNRHA goal of deconcentrating poverty and expanding housing and economic opportunities;

If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

In order to promote partially assisted projects, projects where less than 25 percent of the units will be assisted - will be rated higher than projects where 25 percent or more of the units will be assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, SNRHA will rate partially assisted projects on the percentage of units assisted. Projects with the lowest percentage of assisted units will receive the highest score.

#### SNRHA Requests for Proposals for Existing Housing Units

SNRHA will advertise its request for proposals (RFP) for existing housing in the following newspapers and trade journals.

- Las Vegas Review Journal/Sun
- El Mundo
- Las Vegas Asian Journal
- Asian-American Times
- El Tiempo

In addition, SNRHA will post the notice inviting such proposal submission and the rating and ranking procedures on its electronic web site.

SNRHA will periodically publish its advertisement in the newspapers and trade journals mentioned above for at least one day per week for three consecutive weeks. The advertisement will specify the number of units SNRHA estimates that it will be able to assist under the funding



SNRHA is making available. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program;

Extent to which the project furthers the SNRHA goal of deconcentrating poverty and expanding housing and economic opportunities;

If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

Extent to which units are occupied by families that are eligible to participate in the PBV program.

#### SNRHA Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

SNRHA will accept proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

SNRHA may periodically advertise that it is accepting proposals, in the following newspapers and trade journals:

- Las Vegas Review Journal/Sun
- El Mundo
- Las Vegas Asian Journal

In addition to, or in place of advertising, SNRHA may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

Proposals will be reviewed on a first-come first-served basis. SNRHA will evaluate each proposal on its merits using the following factors:

- Extent to which the project furthers the SNRHA goal of deconcentrating poverty and expanding housing and economic opportunities; and
- Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.

#### **SNRHA-owned Units [24 CFR 983.51(e), 983.59; FR Notice 1/18/17, and Notice PIH 2017-21]**

A SNRHA-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines SNRHA-owned units were appropriately selected based on the selection procedures specified in SNRHA's administrative plan. This also applies to non-competitive selections. If SNRHA selects a proposal for housing that is owned or controlled by SNRHA, SNRHA must identify the entity that will



review the SNRHA proposal selection process and perform specific functions with respect to rent determinations, the term of the HAP contract, and inspections.

In the case of SNRHA-owned units, the term of the HAP contract and any HAP contract renewal must be agreed upon by the PHA and a HUD-approved independent entity (such as a licensed, state-certified appraiser.) In addition, an independent entity must provide rental comparables in order to determine the initial rent to owner, the redetermined rent to owner, and reasonable rent. Housing Quality Standards (HQS) inspections must also be conducted by an independent entity. If SNRHA selects a proposal for housing that is owned or controlled by the PHA, the PHA must identify the entity that will review the PHA proposal selection process and perform specific functions with respect to rent determination and inspections.

Noncompetitive selections must also be reviewed to ensure that the selection was done properly particularly in regards to low-income housing tax credit (LIHTC) project applications not receiving the benefit of a commitment of PBV's by the PHA and that the comparable competition was held with three years of the project selection.

Prior to the submitting a proposal for PHA-owned units, the PHA must determine if there is any entity that is approvable by HUD and will be willing to perform required duties. In addition, housing quality standards inspections must be conducted by an independent entity.

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

#### SNRHA Policy

SNRHA may submit a proposal for project-based housing that is owned or controlled by SNRHA. If the proposal for SNRHA-owned housing is selected, SNRHA will use another entity to review SNRHA's selection process, SNRHA will obtain HUD approval of entity prior to selecting the proposal for SNRHA-owned housing.

SNRHA may only compensate the independent entity and appraiser from SNRHA ongoing administrative fee income (including amounts credited to the administrative fee reserve). The

SNRHA may not use other program receipts to compensate the independent entity and appraiser for their services. SNRHA, the independent entity, and appraiser may not charge the family any fee for the appraisal or the services provided by the independent entity.

#### **SNRHA Notice of Owner Selection [24 CFR 983.51(d)]**

SNRHA must give prompt written notice to the party that submitted a selected proposal and must also give prompt public notice of such selection. Public notice procedures may include publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

#### SNRHA Policy

Within 10 business days of SNRHA making the selection, SNRHA will notify the selected owner in writing of the owner's selection for the PBV program. SNRHA will also notify



in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

In addition, SNRHA will publish its notice for selection of PBV proposals for two (2) consecutive days in the same newspapers and trade journals SNRHA used to solicit the proposals. The announcement will include the name of the owner that was selected for the PBV program. SNRHA will also post the notice of owner selection on its electronic web site.

SNRHA will make available to any interested party its rating and ranking sheets and documents that identify SNRHA's basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one (1) month after publication of the notice of owner selection. SNRHA will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.

SNRHA will make these documents available for review at SNRHA during normal business hours. The cost for reproduction of allowable documents will be \$.25 per page.

#### **17-II.C. HOUSING TYPE [24 CFR 983.52]**

SNRHA may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that was executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of SNRHA selection, the units substantially comply with HQS. Units for which new construction or rehabilitation was started in accordance with PBV program requirements do not qualify as existing housing.

SNRHA must decide what housing type, new construction, rehabilitation, or existing housing, will be used to develop project-based housing. SNRHA's choice of housing type must be reflected in its solicitation for proposals.

#### **17-II.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS**

##### **Ineligible Housing Types [24 CFR 983.53]**

SNRHA may not attach or pay PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (except that assistance may be provided in assisted living facilities); units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; and transitional housing. In addition, SNRHA may not attach or pay PBV assistance for a unit occupied by an owner and SNRHA may not select or enter into an agreement to enter into a HAP contract or HAP contract for a unit occupied by a family ineligible for participation in the PBV program.



### ***High-rise Elevator Projects for Families with Children [24 CFR 983.53(b)]***

SNRHA may use high-rise elevator buildings for families with children if it makes a determination that there is no practical alternative. SNRHA may make this initial determination for its project-based voucher program, in whole or in part, and need not review each project on a case-by-case basis.

#### **SNRHA Policy**

SNRHA will use high-rise elevator projects for families with children.

### **Subsidized Housing [24 CFR 983.54]**

SNRHA may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that a SNRHA may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;
- A Section 101 rent supplement project;
- A unit subsidized with any form of tenant-based rental assistance;
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or SNRHA in accordance with HUD requirements.

### **17-II.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, Notice PIH 2013-11 and FR Notice 2/28/20]**

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP). Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.



When a PHA selects a new construction or rehabilitation project, the PHA must require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 2/28/20 contains a list of all required documentation.

Either HUD or a HUD-approved housing credit agency (HCA) in the PHA's jurisdiction performs the subsidy layering review. The PHA must request an SLR through their local HUD Field Office or, if eligible, through a participating HCA.

If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify the PHA. The PHA may proceed to execute an AHAP at that time if the environmental approval is received.

The HAP contract must contain the owner's certification 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 assistance disclosed in the subsidy layering review in accordance with HUD requirements.

For projects governed by Notice PIH 2019-23, the following language applies:

- In the case of a PHA that will no longer have ACC units as a result of the pending or simultaneous closing, or have less than 50 units remaining and have initiated procedures to dispose of their final ACC units, there is no restriction on the amount of public housing funds that may be contributed to the covered project or projects through the conversion. However, the PHA must estimate and plan for outstanding liabilities and costs and must follow Notice PIH 2016-23 or successor notice regarding the administrative activities required to terminate the ACC if it has no plans to develop additional public housing.
- In the case where the PHA will continue to maintain other units in its inventory under a public housing ACC, a contribution of operating funds to the covered project that exceeds the average amount the project has held in operating reserves over the past three years will trigger a subsidy layering review under 24 CFR 4.13. Similarly, any contribution of capital funds, including Replacement Housing Factor (RHF) or Demolition Disposition Transitional Funding (DDTF), will trigger a subsidy layering review. Notwithstanding the subsidy layering review, PHAs should be mindful of how the capital funds or operating reserves used in the financing of its RAD properties may impact the physical and financial health of properties that will remain in its public housing inventory.
- Following execution of the HAP contract, PHAs are authorized to use operating and capital funds to make HAP payments for the remainder of the first calendar year in which the HAP contract is effective. Otherwise, a PHA may not contribute public housing program funds to the covered project unless been identified in the RCC and converted at closing for Section 8 RAD purposes.

For projects governed by Notice PIH 2012-32, REV-3, the following language applies:

- In the case of a PHA that is converting all of its ACC units, there is no restriction on the amount of public housing funds that may be contributed to the covered project at closing; the PHA may convey all program funds to the covered projects. In order to cover the cost



of administrative activities required to terminate the ACC, once it no longer has units under the ACC and has no plans to develop additional public housing, the PHA may:

Designate that a reserve associated with the project be available to fund any public housing closeout costs (such as an operating deficit reserve or a specific PHA closeout reserve). Any funds not needed for public housing closeout costs would remain in such reserve or may be transferred to another reserve associated with the project (such as the replacement reserve). Thereafter, these funds may be used at the project pursuant to the authorized use of the applicable reserve; or

Retain funds under the public housing program for this purpose. However, HUD will recapture any public housing funds that a PHA does not expend for closeout costs.

- In the case where the PHA will continue to maintain other units in its inventory under a public housing ACC, a contribution of operating funds to the covered project that exceeds the average amount the project has held in operating reserves over the past three years will trigger a subsidy layering review under 24 CFR 4.13. Similarly, any contribution of capital funds, including Replacement Housing Factor (RHF) or Demolition Disposition Transitional Funding (DDTF), will trigger a subsidy layering review. Notwithstanding the subsidy layering review, PHAs should be mindful of how the capital funds or operating reserves used in the financing of its RAD properties may impact the physical and financial health of properties that will remain in its public housing inventory.
- In addition, following execution of the HAP contract, PHAs are authorized to use operating and capital funds to make HAP payments for the remainder of the first calendar year in which the HAP contract is effective. Otherwise, a PHA may not contribute public housing program funds to the covered project unless such funding has been identified in the approved financing plan and included in the approved “sources and uses” attached to the RCC.

For projects governed by the requirements of Notice PIH 2012-32, REV-2, the following language applies:

- In the case of a PHA that is converting all of its ACC units, there is no restriction on the amount of public housing funds that may be contributed to the covered project at closing; the PHA may convey all program funds to the covered project. HUD will recapture any public housing funds that a PHA has not expended once it no longer has units under ACC. In the case where the PHA will continue to maintain other units in its inventory under a public housing ACC, a contribution of operating funds to the covered project that exceeds the average amount the project has held in operating reserves over the past three years will trigger a subsidy layering review under 24 CFR 4.13. Similarly, any contribution of capital funds, including Replacement Housing Factor (RHF) or Demolition Disposition Transitional Funding (DDTF), will trigger a subsidy layering review. Notwithstanding the subsidy layering review, PHAs should be mindful of how the capital funds or operating reserves used in the financing of its RAD properties may impact the physical and financial health of properties that will remain in its public housing inventory.



## **17-II.F. PBV PERCENTAGE LIMITATION AND UNIT CAP [Notice PIH 2019-23]**

### **PBV Percentage Limitation**

Covered projects do not count against the maximum amount of assistance a PHA may utilize for the PBV program, which under the standard PBV program is between 20 and 30 percent of the authorized units allocated to a PHA under the HCV program. To implement this provision, HUD is waiving section 8(o)(13)(B) of the 1937 Act as well as 24 CFR 983.6.

### **Unit Cap Limitation**

When HUD published REV-3 of Notice PIH 2012-32, the cap on the number of assisted units in each project was eliminated. Under the standard PBV program the cap is set at the greater of 25 units or 25 percent of the units in the project. HUD is waiving this requirement, and projects governed by Notice PIH 2019-23 and Notice PIH 2012-32, REV-3 have no cap on the number of units that may receive PBV assistance in a project.

However, for projects that are governed by REV-2 of Notice PIH 2012-32, the cap on the number of PBV units in the project is increased to 50 percent. In these projects, however, provided units met certain exception criteria, the PHA may have converted a larger number of units to RAD PBV. For projects governed by the requirements of Notice PIH 2012-32, REV-2 **only**, the following language applies:

- In general, the PHA may not provide PBV assistance for units in a project if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than 50 percent of the number of dwelling units (assisted or unassisted) in the project. However, PHAs may exceed the 50 percent limitation when units in the project are occupied by elderly and/or disabled families or families that will receive supportive services. These units are known as “excepted units” and do not count toward the project cap.
- For projects governed by the requirements of Notice PIH 2012-32, REV-2 choosing to include excepted units, additional policy decisions may be required.

#### PHA Policy

For projects governed by Notice PIH 2012-32, REV-2, the PHA will not provide RAD PBV assistance for any excepted units.

### **Promoting Partially-Assisted Projects [24 CFR 983.56(c)]**

SNRHA may establish local requirements designed to promote PBV assistance in partially assisted buildings. A *partially assisted project* is a building in which there are fewer units covered by a HAP contract than residential units [24 CFR 983.3].





SNRHA may establish a per-building cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily building containing excepted units or in a single-family project. SNRHA may also determine not to provide PBV assistance for excepted units, or SNRHA may establish a per-project cap of less than 25 percent.

SNRHA Policy:

Excepted units will be limited to units for elderly families.

Beyond that, SNRHA will not impose any further cap on the number of PBV units assisted per project.

**17-II.G. SITE SELECTION STANDARDS [Notice PIH 2019-23, Notice PIH 2016-17]**

**Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]**

Site selection requirements set forth in 24 CFR 983.57 apply to RAD PBV, with the exception of 983.57(b)(1) and (c)(2). HUD waives the provisions regarding deconcentration of poverty and expanding housing and economic opportunity for existing housing sites.

To facilitate the uniform treatment of residents and units, any non-RAD PBV units located in the same project are subject to the terms of this provision.

HUD will conduct a front-end civil rights review of the PHA's proposed site in certain circumstances. For RAD PBV conversions that involve new construction located in an area of minority concentration (whether on the existing public housing site or on a new site) HUD will determine whether it meets one of the exceptions that would allow for new construction in an area of minority concentration.

The PHA must ensure that its RAD PBV conversion, including any associated new construction, is consistent with its certification to affirmatively further fair housing and complies with civil rights laws.

SNRHA may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an agreement to enter into a HAP contract or HAP contract for units on the site, unless SNRHA has determined that PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for deconcentrating poverty and expanding housing and economic opportunities must be consistent with SNRHA's Plan under 24 CFR 903 and SNRHA's administrative plan.

In addition, prior to selecting a proposal, SNRHA must determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable Civil Rights Laws, regulations, and Executive Orders, and that the site meets the HQS site and neighborhood standards at 24 CFR 982.401(l).

SNRHA Policy

It is SNRHA's goal to select sites for PBV housing that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal



SNRHA will limit approval of sites for PBV housing in census tracts that have poverty concentrations of 20 percent or less.

However, SNRHA will grant exceptions to the 20 percent standard where SNRHA determines the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;

A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition and HOPE VI redevelopment;

A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;

A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;

A census tract where there has been an overall decline in the poverty rate within the past five years; or

A census tract where there are meaningful opportunities for educational and economic advancement.

Under no circumstances will SNRHA approve PBV assistance in a census tract with a concentration factor greater than 75 percent of the community-wide poverty rate or forty percent, whichever is lower.

#### **Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)]**

SNRHA may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- Have adequate utilities and streets available to service the site;
- Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.



### **New Construction Site and Neighborhood Standards [24 CFR 983.57(e)]**

In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- The site must have adequate utilities and streets available to service the site;
- The site must not be located in an area of minority concentration unless SNRHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;
- The site 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.
- The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

### **17-II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58]**

SNRHA activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The *responsible entity* is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). SNRHA may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.

In the case of existing housing, the responsible entity that is responsible for the environmental review under 24 CFR part 58 must determine whether or not PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5.

SNRHA may not enter into an agreement to enter into a HAP contract or a HAP contract with an owner, and SNRHA, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until the environmental review is completed.



SNRHA must supply all available, relevant information necessary for the responsible entity to perform any required environmental review for any site. SNRHA must require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.

## **PART III: DWELLING UNITS**

### **17-III.A. OVERVIEW**

This part identifies the special housing quality standards that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

### **17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]**

The housing quality standards (HQS) for the tenant-based program, including those for special housing types, generally apply to the PBV program. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

#### **Lead-Based Paint [24 CFR 983.101(c), Notice PIH 2019-23]**

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

### **17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES**

Federal accessibility requirements apply to all conversions, whether they entail new construction, alternations, or existing facilities. The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. SNRHA must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

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. (24 CFR 983.102)

### **17-III.D. INSPECTING UNITS**

#### **Pre-selection Inspection [24 CFR 983.103(a)]**

SNRHA must examine the proposed site before the proposal selection date. If the units to be assisted already exist, SNRHA must inspect all the units before the proposal selection date, and must determine whether the units substantially comply with HQS. To qualify as existing housing,



units must substantially comply with HQS on the proposal selection date. However, SNRHA may not execute the HAP contract until the units fully comply with HQS.

### **Initial Inspection [RAD Quick Reference Guide; Notice PIH 2019-23]**

Under standard PBV regulations at 24 CFR 983.103(b), a PHA may not enter into a HAP contract until the PHA has determined all units comply with HQS. It is the responsibility of the contract administrator to perform this initial inspection (unless units are PHA-owned). In order to accommodate projects in which repairs are conducted, however, HUD has waived this requirement when units are undergoing rehabilitation. In this case, units must meet HQS by the date indicated in the RAD Conversion Commitment (RCC).

### **Pre-HAP Contract Inspections [24 CFR 983.103(b), FR Notice 1/18/17, and Notice PIH 2017-20]**

SNRHA must inspect each contract unit before execution of the HAP contract. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS.

### **Turnover Inspections [24 CFR 983.103(c)]**

Before providing assistance to a new family in a contract unit, SNRHA must inspect the unit. SNRHA may not provide assistance on behalf of the family until the unit fully complies with HQS.

### **Project Based Annual Inspections [24 CFR 983.103(d)]**

At least annually during the term of the HAP contract, SNRHA must 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 HQS. Turnover inspections are not counted toward meeting this annual inspection requirement.

If more than 20 percent of the annual sample of inspected contract units in a building fails the initial inspection, SNRHA must inspect 100 percent of the contract units in the building.

SNRHA shall limit contributions of vouchers to no more than 75 percent of all units within a new development.

### **Other Inspections [24 CFR 983.103(e)]**

SNRHA must inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. SNRHA must take into account complaints and any other information coming to its attention in scheduling inspections.

SNRHA must conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting SNRHA supervisory quality control HQS inspections, SNRHA should include a representative sample of both tenant-based and project-based units.

### **Inspecting SNRHA-owned Units [24 CFR 983.103(f), Notice PIH 2017-21]**

In the case of SNRHA-owned units, all required inspections must be performed by an independent entity designated by SNRHA and approved by HUD. The independent entity must furnish a copy



of each inspection report to SNRHA and to the HUD field office where the project is located. SNRHA must 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 SNRHA-owner.

## **PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS**

### **17-IV.A. OVERVIEW [24 CFR 983.151]**

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. This part describes the requirements unique to this type of assistance.

Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

### **17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT**

In order to offer PBV assistance in rehabilitated or newly constructed units, SNRHA must enter into an agreement to enter into HAP contract (Agreement) with the owner of the property. The Agreement must be in the form required by HUD [24 CFR 983.152(b)].

The PHA may not enter into an Agreement if commencement of construction or rehabilitation has commenced after proposal submission [24 CFR 983.152(c)]. Construction begins when excavation or site preparation (including clearing of the land) begins for the housing.

Rehabilitation begins with the physical commencement of rehabilitation activity on the housing.

In the Agreement the owner agrees to develop the PBV contract units to comply with HQS, and SNRHA agrees that upon timely completion of such development in accordance with the terms of the Agreement, SNRHA will enter into a HAP contract with the owner for the contract units [24 CFR 983.152(b)].

#### **Content of the Agreement [24 CFR 983.152(c)]**

At a minimum, the Agreement must describe the following features of the housing to be developed and assisted under the PBV program:

- Site and the location of the contract units;
- Number of contract units by area (size) and number of bedrooms and bathrooms;
- Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the resident;
- An indication of whether or not the design and construction requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973 apply to units under the Agreement. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the Agreement;
- Estimated initial rents to owner for the contract units;



- Description of the work to be performed under the Agreement. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by SNRHA, specifications and plans. For new construction units, the description must include the working drawings and specifications.
- Any additional requirements for quality, architecture, or design over and above HQS.

### **Execution of the Agreement [24 CFR 983.153]**

The Agreement must be executed promptly after SNRHA notice of proposal selection to the selected owner. However, SNRHA may not enter into the Agreement with the owner until the subsidy layering review is completed. Likewise, SNRHA may not enter into the Agreement until the environmental review is completed and SNRHA has received environmental approval. The PHA may not enter into the Agreement if construction or rehabilitation has started after proposal submission.

#### SNRHA Policy

SNRHA will enter into the Agreement with the owner within 10 business days of receiving both environmental approval and notice that subsidy layering requirements have been met, and before construction or rehabilitation work is started.

### **17-IV.C. CONDUCT OF DEVELOPMENT WORK**

#### **Labor Standards [24 CFR 983.154(b)]**

If an Agreement covers the development 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 the development of housing. The HUD-prescribed form of the Agreement will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

The owner, contractors, and subcontractors must also 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. SNRHA must monitor compliance with labor standards.

#### **Equal Opportunity [24 CFR 983.154(c)]**

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. The owner must also comply with federal equal employment opportunity requirements.

#### **Owner Disclosure [24 CFR 983.154(d) and (e)]**

The Agreement and HAP contract must include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

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



#### **17-IV.D. COMPLETION OF HOUSING**

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

#### **Evidence of Completion [24 CFR 983.155(b)]**

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

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

At SNRHA's discretion, the Agreement may specify additional documentation that must be submitted by the owner as evidence of housing completion.

#### **SNRHA Policy**

SNRHA will determine the need for the owner to submit additional documentation as evidence of housing completion on a case-by-case basis depending on the nature of the PBV project. SNRHA will specify any additional documentation requirements in the Agreement to enter into HAP contract.

#### **SNRHA Acceptance of Completed Units [24 CFR 983.156]**

Upon notice from the owner that the housing is completed, SNRHA must inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with HQS and any additional requirements imposed under the Agreement. SNRHA must also determine if the owner has submitted all required evidence of completion.

If the work has not been completed in accordance with the Agreement, SNRHA must not enter into the HAP contract.

If SNRHA determines the work has been completed in accordance with the Agreement and that the owner has submitted all required evidence of completion, SNRHA must submit the HAP contract for execution by the owner and must then execute the HAP contract.

### **PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)**

#### **17-V.A. OVERVIEW [PBV Quick Reference Guide 10/14]**

SNRHA must enter into a HAP contract with an owner for units that are receiving PBV assistance. The purpose of the HAP contract is to provide housing assistance payments for eligible families. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term. The HAP contract must be in the form required by HUD [24 CFR 983.202].





## **17-V.B. HAP CONTRACT REQUIREMENTS**

### **Contract Information [24 CFR 983.203, *PBV Quick Reference Guide 10/14*, Notice PIH 2019-23]**

The RAD PBV program uses the PBV HAP contract for new construction or rehabilitated housing (Form HUD-52530A), as modified by the RAD rider (Form HUD-52621). For closings on or after January 1, 2018, HUD incorporated the RAD rider directly into the standard PBV HAP contract. For closing that occurred prior to January 1, 2018, the RAD rider must be attached to the PBV HAP contract.

The distinction between “existing housing” and “rehabilitated and newly constructed housing” is overridden by RAD requirements. The project must also have an initial RAD use agreement. All public housing RAD conversion properties financed with LIHTC are also required to include an LIHTC rider.

The HAP contract must specify the following information:

- The total number of contract units by number of bedrooms;
- 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;
- The number of contract units in each building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit;
- Services, maintenance, and equipment to be supplied by the owner and included in the rent to owner;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner (included in rent) and utility services to be paid by the resident;
- 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;
- The HAP contract term;
- The number of units in any project that will exceed the 25 percent per project cap, which will be set-aside for occupancy by qualifying families; and
- The initial rent to owner for the first 12 months of the HAP contract term.

### **Execution of the HAP Contract [24 CFR 983.204]**

SNRHA may not enter into a HAP contract until each contract unit has been inspected and SNRHA has determined that the unit complies with the Housing Quality Standards (HQS). For existing housing, the HAP contract must be executed promptly after SNRHA selects the owner proposal and inspects the housing units. For newly constructed or rehabilitated housing the HAP contract must be executed after SNRHA has inspected the completed units and has determined that the units have been completed in accordance with the agreement to enter into HAP, and the owner furnishes all required evidence of completion.



### SNRHA Policy

For existing housing, the HAP contract will be executed within 10 business days of SNRHA determining that all units pass HQS.

For rehabilitated or newly constructed housing, the HAP contract will be executed within 10 business days of SNRHA determining that the units have been completed in accordance with the agreement to enter into HAP, all units meet HQS, and the owner has submitted all required evidence of completion.

### **Term of HAP Contract [24 CFR 983.205, FR Notice 1/18/17, and Notice PIH 2017-21, Notice PIH 2019-23]**

SNRHA may enter into a HAP contract with an owner for an initial term of no less than one year and no more than twenty (20) years for HAP contracts entered into on or after June 30, 2008.

### SNRHA Policy

The term of all PBV HAP contracts will be negotiated with the owner on a case-by-case basis.

Within one year before expiration of the HAP contract, SNRHA may extend the term of the contract for an additional term of up to twenty (20) years if SNRHA determines an extension is appropriate to continue providing affordable housing for low-income families. The maximum term for all extensions is twenty (20) years and is subject to the same limitations that an extension is appropriate to continue providing affordable housing for low-income families. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

### SNRHA Policy

When determining whether or not to extend an expiring PBV contract, SNRHA will consider several factors including, but not limited to:

The cost of extending the contract and the amount of available budget authority;

The condition of the contract units;

The owner's record of compliance with obligations under the HAP contract and lease(s);

Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities; and

Whether the funding could be used more appropriately for tenant-based assistance.

### ***Termination by SNRHA [24 CFR 983.205(c)]***

The HAP contract must provide that the term of SNRHA's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by SNRHA in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.



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, SNRHA may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

#### ***Termination by Owner [24 CFR 983.205(d)]***

If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to SNRHA. In this case, families living in the contract units must be offered tenant-based assistance.

#### **Remedies for HQS Violations [24 CFR 983.207(b)]**

SNRHA may not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If SNRHA determines that a contract does not comply with HQS, SNRHA may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract.

##### SNRHA Policy

SNRHA will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program. These policies are contained in Section 8-II.G., Enforcing Owner Compliance.

### **17-V.C. AMENDMENTS TO THE HAP CONTRACT**

#### **Substitution of Contract Units [24 CFR 983.207(b)]**

At SNRHA's discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same project for a previously covered contract unit. Before any such substitution can take place, SNRHA must inspect the proposed unit and determine the reasonable rent for the unit.

#### **Addition of Contract Units [24 CFR 983.207(b)]**

At SNRHA's discretion and subject to the restrictions on the number of dwelling units that can receive PBV assistance per project and on the overall size of SNRHA's PBV program, a HAP contract may be amended during the three-year period following the execution date of the

HAP contract to add additional PBV units in the same project. This type of amendment is subject to all PBV program requirements except that a new PBV proposal is not required.

##### SNRHA Policy

SNRHA will consider adding contract units to the HAP contract when SNRHA determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and



Voucher holders are having difficulty finding units that meet program requirements.

#### **17-V.D. HAP CONTRACT YEAR, ANNIVERSARY, AND EXPIRATION DATES [24 CFR 983.206(c) and 983.302(e)]**

The HAP 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.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

#### **17-V.E. OWNER RESPONSIBILITIES UNDER THE HAP CONTRACT[24 CFR 983.209]**

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

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases;
- Each contract unit for which the owner is receiving HAP, is leased to an eligible family referred by SNRHA, and the lease is in accordance with the HAP contract and HUD requirements;
- To the best of the owner's knowledge the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence;
- 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;
- The amount of the HAP the owner is receiving is correct under the HAP contract;
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
- Except for HAP and resident rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit; and
- The family does not own or have any interest in the contract unit.

#### **17-V.F. ADDITIONAL HAP REQUIREMENTS**

##### **Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.208(a)]**

The owner is required to maintain and operate the contract units and premises in accordance with 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 SNRHA



and in the lease with each assisted family. In addition, maintenance, replacement and redecoration must be in accordance with the standard practice for the building as established by the owner.

SNRHA may elect to establish additional requirements for quality, architecture, or design of PBV housing. Any such additional requirements must be specified in the Agreement to enter into a HAP contract and the HAP contract. These requirements must be in addition to, not in place of, compliance with HQS.

#### SNRHA Policy

SNRHA will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. SNRHA will specify any

special design standards or additional requirements in the invitation for PBV proposals, the agreement to enter into HAP contract, and the HAP contract.

#### **Vacancy Payments [24 CFR 983.352(b)]**

At the discretion of SNRHA, the HAP contract may provide for vacancy payments to the owner for a SNRHA-determined period of vacancy extending 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 amount of the vacancy payment will be determined by SNRHA and 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 resident's security deposit).

#### SNRHA Policy

SNRHA will decide on a case-by-case basis if SNRHA will provide vacancy payments to the owner. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments. Vacancy payments shall only be made when SNRHA has not referred clients to management for a period of 30 calendar days.

## **PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS**

### **17-VI.A. OVERVIEW**

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

### **17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]**

SNRHA may select families for the PBV program from those who are participants in SNRHA's tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.



Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and SNRHA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to SNRHA’s collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. An applicant family must also meet HUD requirements related to current or past criminal activity.

#### SNRHA Policy

SNRHA will determine an applicant family’s eligibility for the PBV program in accordance with the policies in Chapter 3.

#### **In-Place Families [24 CFR 983.251(b)]**

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by SNRHA is considered an “in-place family.” These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on SNRHA’s waiting list. Once the family’s continued eligibility is determined (SNRHA may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and SNRHA must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

#### **17-VLC. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]**

SNRHA may establish a separate waiting list for PBV units or it may use the same waiting list for both tenant-based and project-based assistance. SNRHA may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by SNRHA. If SNRHA chooses to offer a separate waiting list for PBV assistance, SNRHA must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If SNRHA decides to establish a separate PBV waiting list, SNRHA may use a single waiting list for SNRHA’s whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or buildings or for sets of such units.



### SNRHA Policy

SNRHA will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance. SNRHA currently has waiting lists for the following PBV projects:

- Juan Garcia Gardens
- Coronado Drive Senior Housing
- Patriots Place Apartments
- Allegiance Apartments
- Decatur Commons
- ASI Vista del Sol
- NRHA Hafen Village

### **SNRHA will also establish and manage separate waiting lists for the following Rental Assistance Demonstration (RAD) Program conversion to PBV assistance properties:**

- Biegger Estates (Rental Assistance Demonstration [RAD] Program)
- Rose Gardens (Rental Assistance Demonstration [RAD] Program)
- Espinoza Terrace (Rental Assistance Demonstration [RAD] Program)
- Landsman (Rental Assistance Demonstration [RAD] Program)
- Vera Johnson B (Rental Assistance Demonstration [RAD] Program)
- Lubertha Johnson Estates (Rental Assistance Demonstration [RAD] Program)
- Marion D. Bennett Sr. Plaza (Rental Assistance Demonstration [RAD] Program)
- Archie Grant (Rental Assistance Demonstration [RAD] Program)
- James Downs Towers (Rental Assistance Demonstration [RAD] Program)

### **17-VLD. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]**

Applicants who will occupy units with PBV assistance must be selected from SNRHA's waiting list. SNRHA may establish selection criteria or preferences for occupancy of particular PBV units. SNRHA may place families referred by the PBV owner on its PBV waiting list.

#### **Income Targeting [24 CFR 983.251(c)(6)]**

At least 75 percent of the families admitted to SNRHA's tenant-based and project-based voucher programs during SNRHA's fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

#### **Units with Accessibility Features [24 CFR 983.251(c)(7)]**

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, SNRHA must first refer families who require such features to the owner.



### **Preferences [24 CFR 983.251(d)]**

SNRHA may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. SNRHA must provide an absolute selection preference for eligible in-place families as described in Section 17-VI.B. above.

Although SNRHA is prohibited from granting preferences to persons with a specific disability, SNRHA may give preference to disabled families who need services offered at a particular project or site if the preference is limited to 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.

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

If SNRHA has projects with more than 25 percent of the units receiving project-based assistance because those projects include “excepted units” (units specifically made available for elderly or disabled families, or families receiving supportive services), SNRHA must give preference to such families when referring families to these units [24 CFR 983.261(b)].

#### SNRHA Policy

SNRHA will provide a selection preference when required by the regulation (e.g., eligible in-place families, qualifying families for “excepted units,” mobility impaired persons for accessible units). SNRHA will not offer any additional preferences for the PBV program or for particular PBV projects or units.

### **17-VI.E. OFFER OF PBV ASSISTANCE**

#### **Refusal of Offer [24 CFR 983.251(e)(3)]**

SNRHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant’s place on the waiting list based on preference, date, and time of application, or other factors affecting selection under SNRHA’s selection policy;
- Remove the applicant from the tenant-based voucher waiting list.





### **Disapproval by Landlord [24 CFR 983.251(e)(2)]**

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

### **Acceptance of Offer [24 CFR 983.252]**

#### ***Family Briefing***

When a family accepts an offer for PBV assistance, SNRHA must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, SNRHA must provide a briefing packet that explains how SNRHA determines the total resident payment for a family, the family obligations under the program, and applicable fair housing information.

#### ***Persons with Disabilities***

If an applicant family's head or spouse is disabled, SNRHA must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, SNRHA must have a mechanism for referring a family that includes a member with mobility impairment to an appropriate accessible PBV unit.

#### ***Persons with Limited English Proficiency***

SNRHA should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

## **17-VI.F. OWNER SELECTION OF RESIDENTS**

The owner is responsible for developing written resident 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 fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(a)](2) and (a)(3).

### **Leasing [24 CFR 983.253(a)]**

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by SNRHA from SNRHA's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on SNRHA's subsidy standards.

### **Filling Vacancies [24 CFR 983.254(a)]**

The owner must promptly notify SNRHA of any vacancy or expected vacancy in a contract unit. After receiving such notice, SNRHA must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. SNRHA and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

### **SNRHA Policy**



The owner must notify SNRHA in writing (mail, fax, or e-mail) within 5 business days of learning about any vacancy or expected vacancy.

SNRHA will make every reasonable effort to refer families to the owner within 10 business days of receiving such notice from the owner.

### **Reduction in HAP Contract Units [Notice PIH 2019-23]**

Project owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the HAP contract.

The PHA may not reduce the number of assisted units without written HUD approval. Any HUD approval of a PHA's request to reduce the number of assisted units under contract is subject to conditions that HUD may impose. MTW agencies may not alter this requirement.

If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, the PHA must reinstate the unit after the family has vacated the property. If the project is partially assisted, the PHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR 983.207, or where the development has "floating" units.

### **17-VL.G. RESIDENT SCREENING [24 CFR 983.255]**

#### **SNRHA Responsibility**

SNRHA is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy. However, SNRHA may opt to screen applicants for family behavior or suitability for tenancy and may deny applicants based on such screening.

#### SNRHA Policy

SNRHA will not conduct screening to determine a PBV applicant family's suitability for tenancy. SNRHA shall screen for program eligibility. The management must determine tenancy screening requirements.

SNRHA must provide the owner with an applicant family's current and prior address (as shown in SNRHA records) and the name and address (if known by SNRHA) of the family's current landlord and any prior landlords.

In addition, SNRHA may offer the owner other information SNRHA may have about a family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members. SNRHA must provide applicant

families a description of SNRHA policy on providing information to owners, and SNRHA must give the same types of information to all owners.

#### SNRHA Policy

SNRHA will inform owners of their responsibility to screen prospective residents, and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. SNRHA will not provide any additional information to the owner, such as tenancy history, criminal history, etc.



### **Owner Responsibility**

The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.

## **PART VII: OCCUPANCY**

### **17-VII.A. OVERVIEW**

After an applicant has been selected from the waiting list, determined eligible by SNRHA, referred to an owner and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

### **17-VII.B. LEASE [24 CFR 983.256]**

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

#### **Form of Lease [24 CFR 983.256(b)]**

The resident and the owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease form for rental units to unassisted residents in the locality or premises, the same lease must be used for assisted residents, except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

If the owner does not use a standard lease form for rental to unassisted residents, the owner may use another form of lease, such as a SNRHA model lease. SNRHA may review the owner's lease form to determine if the lease complies with state and local law. If SNRHA determines that the lease does not comply with state or local law, SNRHA may decline to approve the tenancy.

#### SNRHA Policy

SNRHA will not review the owner's lease for compliance with state or local law.

#### **Lease Requirements [24 CFR 983.256(c)]**

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the resident;



- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the resident rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;
- A specification of the services, maintenance, equipment, and utilities that will be provide by the owner; and
- The amount of any charges for food, furniture, or supportive services.

#### **Tenancy Addendum [24 CFR 983.256(d)]**

The tenancy addendum in the lease must state:

- The program tenancy requirements;
- The composition of the household as approved by SNRHA (the names of family members and any SNRHA-approved live-in aide);
- All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

#### **Initial Term and Lease Renewal [24 CFR 983.256(f) and 983.257(b)]**

The initial lease term must be for at least one year. Upon expiration of the lease, an owner may renew the lease, refuse to renew the lease for “good cause,” or refuse to renew the lease without good cause. If the owner refuses to renew the lease without good cause, SNRHA must provide the family with a resident-based voucher and remove the unit from the PBV HAP contract.

#### **Changes in the Lease [24 CFR 983.256(e)]**

If the resident and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give SNRHA a copy of all changes.

The owner must notify SNRHA in advance of any proposed change in the lease regarding the allocation of resident and owner responsibilities for utilities. Such changes may only be made if approved by SNRHA and in accordance with the terms of the lease relating to its amendment. SNRHA must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the

owner and the resident. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

#### **Owner Termination of Tenancy [24 CFR 983.257]**

With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Section 12-III.B. and 24 CFR 982.310). In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.



### ***Non-Compliance with Supportive Services Requirement [24 CFR 983.257(c)]***

If a family is living in a project-based unit that is excepted from the 25 percent per project cap on project-basing because of participation in a supportive services program (e.g., Family Self-Sufficiency), and the family fails to complete its supportive services requirement without good cause, such failure is grounds for lease termination by the owner.

### ***Resident Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]***

The owner may specify in the lease a maximum period of resident absence from the unit that is shorter than the maximum period permitted by SNRHA policy. According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than 180 consecutive calendar days.

### **Security Deposits [24 CFR 983.258]**

The owner may collect a security deposit from the resident. SNRHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted residents.

#### SNRHA Policy

SNRHA will allow the owner to collect a security deposit amount the owner determines is appropriate.

When the resident moves out of a 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 resident rent, damages to the unit, or other amounts owed by the resident under the lease.

The owner must give the resident 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 resident.

If the security deposit does not cover the amount owed by the resident under the lease, the owner may seek to collect the balance from the resident. SNRHA has no liability or responsibility for payment of any amount owed by the family to the owner.

## **17-VII.C. MOVES**

### **Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.259]**

If SNRHA determines that a family is occupying a wrong size unit, based on SNRHA's subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, SNRHA must promptly notify the family and the owner of this determination, and SNRHA must offer the family the opportunity to receive continued housing assistance in another unit.

#### SNRHA Policy

SNRHA will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within 10 business days of SNRHA's



determination. SNRHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

PBV assistance in the same building or project;

PBV assistance in another project; and

Tenant-based voucher assistance

If SNRHA offers the family a tenant-based voucher, SNRHA must 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 SNRHA).

If SNRHA offers the family another form of assistance that is not a tenant-based voucher, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by SNRHA, or both, SNRHA must terminate the housing assistance payments for the unit at the expiration of a reasonable period as determined by SNRHA.

#### SNRHA Policy

When SNRHA offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, SNRHA will terminate the housing assistance payments at the expiration of this 30-day period.

SNRHA may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

#### **Family Right to Move [24 CFR 983.260]**

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to SNRHA. If the family wishes to move with continued tenant-based assistance, the family must provide the manager with a Vacate Notice and be in good standing under their current lease (meaning not under an eviction not owing a debt to the PBV development). A copy of the notice shall be forwarded to SNRHA staff for placement on its tenant based PBV waitlist. SNRHA will notify families and management when there is no funding available for tenant-based vouchers as well as when funding becomes available again. The Vacate Notices shall not be accepted during a period of time when there has been written notice provided that there is not tenant-based funding available.

Families currently residing in PBV/RAD (Project Based/Rental Assistance) properties who are requesting an emergency transfer in accordance with the Violence Against Women Act (VAWA), and have completed and submitted the HUD 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation" form along with any other requested documentation from SNRHA (i.e. Police Report, Temporary Protection Order, etc.) may be eligible for an HCV Mobility Voucher, if available. If not available, SNRHA will look for other units within PBV/RAD properties for the family to be relocated.



If the family terminates the lease in accordance with these requirements, SNRHA is required to offer the family the opportunity for continued tenant-based assistance, in the form of a mobility voucher or other comparable tenant-based rental assistance. If a mobility voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, SNRHA must give the family priority to receive the next available opportunity for continued tenant-based assistance, when funding is available.

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

### **Choice Mobility Cap (Voucher Turnover Cap)**

SNRHA may restrict choice mobility vouchers to 25 percent of SNRHA's tenant-based turnover vouchers annually.

## **17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.261]**

SNRHA may not pay housing assistance under a PBV HAP contract for more than 25 percent of the number of dwelling units in a project unless the units are [24 CFR 983.56]:

- Specifically made available for elderly or disabled families; or
- Specifically made available for families receiving supportive services as defined by SNRHA. At least one member must be receiving at least one qualifying supportive service.

If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined as defined by SNRHA and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.

A family (or remaining members of a family) residing in an excepted unit that no longer meets the criteria for a "qualifying family" in connection with the 25 percent per project cap exception (e.g., the family does not successfully complete supportive services requirements, or due to a change in family composition the family is no longer elderly or disabled), must vacate the unit within a reasonable period of time established by SNRHA, and SNRHA must 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 must 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 program requirements; 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 to comply with supportive services requirements must be terminated by SNRHA.

### SNRHA Policy

SNRHA will not provide PBV assistance for excepted units.

## **PART VIII: DETERMINING RENT TO OWNER**

### **17-VIII.A. OVERVIEW**



The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. Although for rehabilitated or newly constructed housing, the agreement to enter into HAP Contract (Agreement) states the estimated amount of the initial rent to owner, the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.

During the term of the HAP contract, the rent to owner is redetermined at the owner's request in accordance with program requirements, and at such time that there is a five percent or greater decrease in the published FMR.

### **17-VIII.B. RENT LIMITS [24 CFR 983.301]**

Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount determined by SNRHA, not to exceed 110 percent of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

#### **Certain Tax Credit Units [24 CFR 983.301(c)]**

For certain tax credit units, the rent limits are determined differently than for other PBV units. These different limits apply to contract units that meet all of the following criteria:

- The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986;
- The contract unit is not located in a qualified census tract;
- There are comparable tax credit units of the same bedroom size as the contract unit in the same building, and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and
- The tax credit rent exceeds a SNRHA-determined amount (not to exceed 110 percent of the fair market rent or any approved exception payment standard);

For contract units that meet all of these criteria, the rent to owner must not exceed the lowest of:

- 110 percent of the fair market rent or any approved exception payment standard minus the utility allowance for owner paid utilities;
- The reasonable rent; or
- The rent requested by the owner.

#### ***Definitions***

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.





*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., tenant-based voucher assistance).

### **Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]**

When determining the initial rent to owner, SNRHA must use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. When redetermining the rent to owner, SNRHA must use the most recently published FMR and the utility allowance schedule in effect at the time of redetermination. At its discretion, SNRHA may for initial rent, use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract, or for redeterminations of rent, the 30-day period immediately before the redetermination date.

Any HUD-approved exception payment standard amount under the tenant-based voucher program also applies to the project-based voucher program. HUD will not approve a different exception payment stand amount for use in the PBV program.

Likewise, SNRHA may not establish or apply different utility allowance amounts for the PBV program. The same utility allowance schedule applies to both the tenant-based and project-based voucher programs.

#### SNRHA Policy

Upon written request by the owner, SNRHA will consider using the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent. The owner must explain the need to use the previous FMRs or utility allowances and include documentation in support of the request. SNRHA will review and make a decision based on the circumstances and merit of each request.

In addition to considering a written request from an owner, SNRHA may decide to use the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent, if SNRHA determines it is necessary due to SNRHA budgetary constraints.

### **Redetermination of Rent [24 CFR 983.302]**

SNRHA must redetermine the rent to owner upon the owner's request or when there is a five percent or greater decrease in the published FMR.

#### ***Rent Increase***

If an owner wishes to request an increase in the rent to owner from SNRHA, it must be requested at the annual anniversary of the HAP contract (see Section 17-V.D.). The request must be in writing and in the form and manner required by SNRHA. Rental increases must be submitted 60 calendar days prior to the anniversary date of the HAP contract for the participant.

SNRHA may only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs).

#### SNRHA Policy



An owner's request for a rent increase must be submitted to SNRHA 60 calendar days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing.

RAD PBV: Rent adjustments are made on the contract anniversary date for all RAD PBV units. Adjusted rents may not exceed the lower of the reasonable rent, or the contract rent increase by the Operating Cost Adjustment Factor (OCAF) as established by HUD except if the rent increase would result in a rent below the initial rent. Rents must not fall below the initial contract rent.

SNRHA may not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

### ***Rent Decrease***

If there is a decrease in the rent to owner, as established in accordance with program requirements such as a change in the FMR or exception payment standard, or reasonable rent amount, the rent to owner must be decreased regardless of whether the owner requested a rent adjustment.

### ***Notice of Rent Change***

The rent to owner is redetermined by written notice by SNRHA to the owner specifying the amount of the redetermined rent. SNRHA notice of rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract. The adjusted amount of rent to owner applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

### **SNRHA Policy**

SNRHA will provide the owner with at least 30 calendar days written notice of any change in the amount of rent to owner.

### **SNRHA-owned Units [24 CFR 983.301(g)]**

For SNRHA-owned PBV units, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD. SNRHA must use the rent to owner established by the independent entity.

### **17-VIII.C. REASONABLE RENT [24 CFR 983.303]**

At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by SNRHA, except where the PHA has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract.

### **When Rent Reasonable Determinations are Required**

SNRHA must redetermine the reasonable rent for a unit receiving PBV assistance whenever any of the following occur:

- There is a ten (10) percent or greater decrease in the published FMR in effect 60 calendar days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR that was in effect one year before the contract anniversary date;



- SNRHA approves a change in the allocation of responsibility for utilities between the owner and the resident;
- The HAP contract is amended to substitute a different contract unit in the same project; or
- There is any other change that may substantially affect the reasonable rent.

### **How to Determine Reasonable Rent**

The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, SNRHA must consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

#### ***Comparability Analysis***

For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include unassisted units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by SNRHA. The comparability analysis may be performed by SNRHA staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

#### **SNRHA-owned Units**

For SNRHA-owned units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with PBV program requirements. The independent entity must provide a copy of the determination of reasonable rent for SNRHA-owned units to SNRHA and to the HUD field office where the project is located.

#### **Owner Certification of Reasonable Rent**

By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, SNRHA may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

### **17-VIII.D. EFFECT OF OTHER SUBSIDY AND RENT CONTROL**

In addition to the rent limits discussed in Section 17-VIII.B above, other restrictions may limit the amount of rent to owner in a PBV unit. In addition, certain types of subsidized housing are not even eligible to receive PBV assistance (see Section 17-II.D).

#### **Other Subsidy [24 CFR 983.304]**

At its discretion, a SNRHA may reduce the initial rent to owner because of other governmental subsidies, including tax credit or tax exemption, grants, or other subsidized financing.

For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.



For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) as determined in accordance with requirements for the applicable federal program:

- An insured or non-insured Section 236 project;
- A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
- A Section 221(d)(3) below market interest rate (BMIR) project;
- A Section 515 project of the Rural Housing Service;
- Any other type of federally subsidized project specified by HUD.

### ***Combining Subsidy***

Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

### **Rent Control [24 CFR 983.305]**

In addition to the rent limits set by PBV program regulations, the amount of rent to owner may also be subject to rent control or other limits under local, state, or federal law.

## **PART IX: PAYMENTS TO OWNER**

### **17-IX.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]**

During the term of the HAP contract, SNRHA must make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and SNRHA agree on a later date.

Except for discretionary vacancy payments, SNRHA may 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).

The amount of the housing assistance payment by SNRHA is the rent to owner minus the resident rent (total tenant payment minus the utility allowance).

In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

### **17-IX.B. VACANCY PAYMENTS [24 CFR 983.352]**

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if SNRHA determines that the vacancy is the owner's fault.

### **SNRHA Policy**



If SNRHA determines that the owner is responsible for a vacancy and, as a result, is not entitled to the keep the housing assistance payment, SNRHA will notify the landlord of the amount of housing assistance payment that the owner must repay. SNRHA will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

At the discretion of SNRHA, the HAP contract may provide for vacancy payments to the owner. SNRHA may only make vacancy payments if:

- The owner gives SNRHA prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner's knowledge);
- 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;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- The owner provides any additional information required and requested by SNRHA to verify that the owner is entitled to the vacancy payment.

The owner must submit a request for vacancy payments in the form and manner required by SNRHA and must provide any information or substantiation required by SNRHA to determine the amount of any vacancy payment.

#### SNRHA Policy

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified SNRHA of the vacancy in accordance with the policy in Section 17-VI.F regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within 10 business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and SNRHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by SNRHA within 10 business days of SNRHA's request, no vacancy payments will be made.

#### **17-IX.C. RESIDENT RENT TO OWNER [24 CFR 983.353]**

The resident rent is the portion of the rent to owner paid by the family. The amount of resident rent is determined by SNRHA in accordance with HUD requirements. Any changes in the amount of resident rent will be effective on the date stated in SNRHA notice to the family and owner.

The family is responsible for paying the resident rent (total tenant payment minus the utility allowance). The amount of the resident rent determined by SNRHA is the maximum amount the owner may charge the family for rental of a contract unit. The resident rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the resident in excess of the resident rent as determined by SNRHA. The owner must immediately return any excess payment to the resident.



## **Resident and SNRHA Responsibilities**

The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for DF nonpayment by SNRHA.

Likewise, SNRHA is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. SNRHA is not responsible for paying the resident's portion of rent, or any other claim by the owner, including damage to the unit. SNRHA may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the resident rent or other claim by the owner.

## **Utility Reimbursements [24 CFR 982.514(b)]**

If the amount of the utility allowance exceeds the total resident payment, SNRHA must pay the amount of such excess to the resident as a reimbursement for resident-paid utilities, and the resident rent to the owner must be zero.

SNRHA may pay the utility reimbursement directly to the family or to the utility supplier on behalf of the family. If SNRHA chooses to pay the utility supplier directly, SNRHA must notify the family of the amount paid to the utility supplier.

### SNRHA Policy

SNRHA will make utility reimbursements to the family.

According to HUD's Final Rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule," the PHA may elect to establish policies regarding the frequency of utility reimbursement payments (URP) for payments made to the family,

1. The PHA will have the option of making URPs not less than each calendar-year quarter for reimbursements. In the event a family leaves the program in advance of its next quarterly reimbursement, the PHA would be required to reimburse the family for a prorated share of the applicable reimbursement. PHAs exercising this option must have a hardship policy in place for participants.
2. If the PHA elects to pay the utility supplier directly, the PHA must notify the family of the amount paid to the utility supplier.

### SNRHA Policy

SNRHA will make utility reimbursement payments directly to the family on a monthly basis.

## **17-IX.D. OTHER FEES AND CHARGES [24 CFR 983.354]**

### **Meals and Supportive Services**

With the exception of PBV assistance in assisted living developments, the owner may not require the resident to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.



In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

### **Other Charges by Owner**

The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized residents in the premises.

### **RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM:**

SNRHA will administer a HUD, RAD (Rental Assistance Demonstration) program. At the time of the RAD award the residents are temporarily housed at other public housing and market units.

Residents of record of the designated SNRHA RAD properties at the time of award will have the right of return to the property once construction and rehabilitation are completed. Residents will be offered units in accordance with their family composition at the time of reentry.

Units not occupied by returning residents will be occupied in accordance with the Administrative Plan eligibility, admission, and selection policies for the Project Based programs in Housing Choice Voucher (Section 8) program.

Existing residents are not subject to re-screening, income eligibility, or income targeting provisions in order to return to the designated property.

Existing residents who have been temporarily transferred, whose accounts reflect a security deposit will have the security deposit transferred at RAD closing, except in the case of the deposit being applied for unpaid rent or resident caused damage. Resident is responsible for payment of any remaining security deposit due.

Resident monthly rent increases of greater than 10% or \$25 purely as a result of conversion will be phased in over 3 years or extended up to 5 years by the PHA. Increases will automatically be applied on the first day of the month of the effective date of recertification.

Renewal of Lease: Under current regulations at 24 CFR 982.257 (b)(c), upon lease expiration, SNRHA shall renew all leases unless cause exist.

Residents occupying the RAD, Project Based Conversion property may be eligible to receive a Section 8 voucher after 1 year of occupancy if regular tenant based vouchers are available and an appropriate 60-day written notice is provided to management. Resident and resident's household must be in good standing and meet eligibility requirements for the PHA's HCV (Section 8) program prior to being issued a voucher.

If the families are currently enrolled in PH Family Self-Sufficiency (FSS) after the RAD conversion, SNRHA shall enroll them in its HCV FSS program. Resident under RAD not enrolled in PH FSS at the time of conversion will not be eligible to participate in the program.



Residents shall have the right to establish and operate a resident organization and be eligible for participation funding.

**Resident Procedural Rights [PIH-2012-32 (HA), REV-2]:**

The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.

**Termination Notification:**

HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall not be less than:

- a. A reasonable period of time, but not to exceed 30 days:
  - i. If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
  - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
- b. 30 days in the case of nonpayment of rent; and
- c. 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

**Grievance Process:**

Pursuant to requirements in the RAD Statute, HUD is establishing additional procedural rights to comply with section 6 of the Act. For issues related to tenancy and termination of assistance, PBV program rules require the Project Owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi),<sup>26</sup> an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
  - i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
  - ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.





- c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- d. The Project Owner provides opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

**Earned Income Disregard (EID) [24 CFR 982.5.617]:**

Residents who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID exclusion after conversion, in accordance with regulations at 24 CFR § 960.255. After conversion, no other residents will be eligible to receive the EID. If a resident receiving the EID exclusion undergoes a break in employment, ceases to use the EID exclusion, or the EID exclusion expires in accordance with 24 CFR §960.255, the resident will no longer receive the EID exclusion and the Owner will no longer be subject to the provisions of 24 CFR §960.255. Furthermore, residents who's EID ceases or expires after conversion shall not be subject to the rent phase-in provision, as described in Section 1.7.B.3; instead, the rent will automatically be adjusted to the appropriate rent level based upon resident income at that time.

With HUD's Final Rule dated March 8, 2016, entitled "Streamlining Administrative Regulations for Public Housing/Housing Choice Voucher Final Rule," the requirements changed that families maintain continual employment in order to obtain EID benefits over a straight 24-month period. The Final Rule removes this requirement for continuous employment and benefits now applies for a straight 24 month period, with a clear start and end date, irrespective of whether a family maintains continual employment during the 24 months period. SNRHA shall not track start and stop time of employments but shall track start date, the 12-month date (on which the amount of the disregard may change from 100 percent to not less than 50% of earned income) and the 24-month end date. For families enrolled prior to the effective date of this regulation (March 8, 2016) the previous requirement shall continue.





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## **Chapter 18**

### **FAMILY SELF-SUFFICIENCY STATEMENT OF POLICIES**

#### **PURPOSE:**

The purpose of the U.S. Department of Housing and Urban Development's (HUD) Family Self Sufficiency Program (FSS) is to promote the development of local strategies to coordinate the use of housing assistance with public and private resources to enable eligible families to achieve economic independence and self-sufficiency. The Southern Nevada Regional Housing Authority's (SNRHA) FSS Program is designed to promote employment opportunities and increase asset building among families living in assisted housing. The three main features of the FSS Program are: (1) case management; (2) delivery of services; (3) the creation of an escrow account.

SNRHA runs a combined Public Housing (PH), HCV and Project Based Rental Assistance Demonstration (RAD) vouchers, FSS program and there is one Action Plan governing all. SNRHA does not wish to operate a joint FSS program with other PHAs.

#### **BENEFITS OF OPERATING A VOLUNTARY FSS PROGRAM:**

An aggressive and innovative FSS program will yield numerous, positive benefits such as increases in:

- Earned income which directly results in a reduction of rental subsidy
- Resident self-sufficiency through knowledge of community resources
- Families' earning capacity which will strengthen the community

#### **GOALS AND OBJECTIVES:**

SNRHA's FSS program goals are to work with local partners to develop a comprehensive program to reduce barriers that prevent self-sufficiency and empower participants to obtain employment that pays a living wage and be free from TANF (excluding Non-Needy Relative Caregiver {child only}) assistance.

Participating families receive individualized case management which includes:

- One-on-one counseling with SNRHA FSS Coordinators to emphasize the importance of education and training to increase earning potential
- Financial literacy education
- Career and personal case management
- Strategies that encourage employment, entrepreneurship, and homeownership



- Referrals to community support services and resources
- Incentives and recognition for achievements
- Participants are encouraged to attend a number of self-help workshops and seminars
- HUD certified housing counseling

**PROGRAM MEASUREMENTS:**

The FSS Program will measure the successes of families who participate in the program by tracking:

- Increase in number of employed individuals.
- Increases in earned income
- Increases in education level
- Decrease in government assistance
- Debt reduction
- Increase in saving

**PROGRAM SIZE:**

SNRHA will operate a minimum program size of 450. 42 of these slots are mandatory. The remaining slots are voluntary. As graduating participants reduce the number of mandatory slots, they will be replaced with a voluntary slot.

**ESTIMATE OF POTENTIAL PARTICIPATING FAMILIES:**

The FSS Program is open to all adults living in a SNRHA HUD assisted unit ages 18 and over, without regards to race, color, religion, sexual orientation, age, disability, familial status or national origin.

SNRHA owns 2149 Public Housing units, has 785 Rental Assistance Demonstration (RAD) units and administers 12,586 Housing Choice Vouchers which together provide housing assistance to over 35,500 residents.

<b>Ages of Head of Household</b>	<b>Percent</b>
--Head of Household is age 24 years or younger	0.7%
--Head of Household is age 25 to 50	48.2%
--Head of Household is age 51 to 61	19.3%
--Head of Household is age 62 or greater	31.8%
<b>Ages of Other Adults in Household</b>	



-- Age 24 years or younger	36.6%
-- Age 25 to 50	36.4%
-- Age 51 to 61	12.2%
-- Age 62 or greater	14.8%
<b>Presence and Ages of Children</b>	<b>Percent</b>
--Households that only include adults over age 18	37.6%
--Households that include one or more child age 13-17	23.1%
--Households that include children who are all 12 or younger	39.3%
<b>Employment Status of Head of Household</b>	<b>Percent</b>
--Families with an employed head	26.2%
--Families whose head is unemployed	73.8%
<b>Employment Status of All family members</b>	
--Families with any member that is employed	88.8%
--Families with no employed member	11.2%
<b>Annual Earned Income of Population to be Served</b>	<b>Percent</b>
Annual household earnings <\$5,000 per year	19.3%
Annual household earnings between \$5,000 and \$9,999	12.8%
Annual household earnings between \$10,000 and \$14,999	31.4%
Annual household earnings between \$15,000 and \$19,999	11%
Annual household earnings between \$20,000 and \$24,999	8%
Annual household earnings between \$25,000 and \$29,999	5.1%
Annual household earnings between \$30,000 and \$34,999	4.1%
Annual household earnings of \$35,000 or higher	8.3%
<b>Elderly/Disability Status of Head of Household</b>	<b>Percent</b>
--Head of Household is an elderly person without disabilities	19.3%
--Head of Household is an elderly person with disabilities	12.8%
--Head of Household is a non-elderly person without disabilities	31.4%
--Head of Household is neither an elderly person nor a person with disabilities	11%
<b>Elderly/Disability Status of All Household members</b>	<b>Percent</b>
--Household includes an elderly person without disabilities	12.0%
--Household includes an elderly person with disabilities	21.6%
--Household includes a non-elderly person with disabilities	29%



--Household includes no elderly persons or persons with disabilities	37.4%	
<b>Race and Ethnicity of Population to be Served (required)</b>	<b>Non-Hispanic</b>	<b>Hispanic</b>
White <u>29.1</u> %	17.9%	11.2%
Black or African-American <u>66.2</u> %	64.4%	1.6%
American Indian or Alaska Native <u>0.9</u> %	0.8%	0.1%
Asian <u>2.7</u> %	2.4%	0.30%
Native Hawaiian or other <u>1.3</u> %	1.0%	0.3%
Other Race	___%	___%

Of these numbers, the estimate of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated Federal, State, local, and private resource is a minimum of 450.

Families who have successfully participated in SNRHA’s Resident Opportunities and Self-Sufficiency (ROSS) program will be given preference and receive streamlined enrollment into the FSS program. This is estimated to be 10 participants per year.

Families who have previously successfully completed the FSS program will be given preference and receive streamlined enrollment into the FSS program. This is estimated to be 10 participants per year.

**PROGRAM COORDINATING COMMITTEE (PCC):**

The purpose of the SNRHA PCC is to obtain and provide resources to address the challenges of the families enrolled in SNRHA FSS and Resident Opportunity and Self-Sufficiency (ROSS) programs. SNRHA will have letters of agreement or will enter into Memorandums of Understanding (MOU) with community partners to provide services/resources to our participants.

PCC membership is composed of a cross section of service providers, sponsors of skills-based training, community partners, employers, FSS program participants and SNRHA staff. In alliance with HUD’s requirement, SNRHA’s PCC membership shall include the following:

- A (PH) FSS participant and a (HCV) FSS participant.
- SNRHA FSS and ROSS Coordinators

SNRHA’s PCC may also include representatives from:

- local agencies which administer employment and training programs
- employers



- private employment agencies
- financial institutions
- local post-secondary educational institutions
- local welfare agency
- child care providers
- the non-profit sector
- Workforce Innovation and Opportunity Act (WIOA) program providers

### **METHOD FOR IDENTIFICATION OF SUPPORTIVE SERVICE NEEDS:**

The FSS Coordinator will provide ongoing coordination and encouragement to the FSS family. A critical factor in the provision of case management services is regular communication between the Coordinators and their assigned families. All newly enrolled participants are scheduled to meet with their Coordinator monthly, for the first three (3) months and quarterly thereafter. Assessment of the participant's needs and their ongoing progress continues throughout the length of the FSS Contract of Participation. Employment and career development plans are made based on the assessment.

### **SUPPORTIVE SERVICES NEEDS:**

The following represents some of the most needed supportive services for program participants:

- Education
  - High School Equivalency Test (HiSET) preparation
  - Post-secondary education preparation
  - English as a second language (ESL)
  - Computer skills training
- Life Skills
  - Domestic Violence awareness and prevention
  - Home management
  - Self-enrichment
  - Child care
  - Parenting and child development
  - Transportation
  - Work – Life balance
  - Time management
- Financial Literacy
  - Credit counseling
  - Budgeting



- Asset building
- Debt management
- Homebuyer education
- Banking
- Employment
  - Skills assessment
  - Vocational training
  - Resume building
  - Effective job search
  - Interview skills and techniques
  - Job placement and retention
- Health
  - Affordable health care
  - Social services
  - Addiction prevention
  - Mental health
  - Vision and dental
  - Wellness

**CERTIFICATION OF COORDINATION:**

The development and retention of viable, extensive partnerships with the public and private sector are paramount to the success of the FSS Program. SNRHA will coordinate and partner with entities such as the Department of Welfare and Supportive Services (DWSS), WIOA funded partners, and various educational and training institutions.

Our partnerships include but are not limited to:

Organization	Services Provided
Acelero - Head Start	Early childhood education
Better Health Group Network	Offers community health services
Boys and Girls Club of Southern Nevada	After school programs for kids
Catholic Charities	Food Programs/Financial Assistance
Chicanos Por La Causa	Community and Workforce Resources
Children's Cabinet	Keep children safe/families together/ free help





Clark County Library	Library system throughout Clark County
Clark County School District	Public and charter schools throughout Clark County
College of Southern Nevada (CSN)	Degree Programs/See Academic
Communities in Schools of Southern Nevada	Student support to stay in school
CSN Career & Technical Assistance Programs	Degree programs/see curriculum
Culinary Academy of Las Vegas	Various culinary trainings
Cultural Diversity Foundation/Affordable Computer Training	Computer Skills Training
Dress for Success	Business attire and classes for interviewing/employment
Foundation for an Independent Tomorrow	Job training, coaching, support for job seekers
HARBOR/Department of Juvenile Justice	Prevent youth from entering the juvenile justice system
Health Plan of Nevada	Med. Ins. For the uninsured
Heavenly Smiles Mobile Dental	Mobile Dental Van
HELP of Southern Nevada	Workforce job assistance
Immunize Nevada	Hope to eradicate vaccine preventable diseases
Insight Health Services	Offers health care services to the community
Job Corps	Job training, housing for teens
Las Vegas Urban League-Early Childhood Connection	Child Care Assistance
Legal Aid Center of Southern Nevada	Free legal services to community
Milan Institute	Cosmetology/other training
Nevada Legal Services Inc.	Free legal services to community
Nevada Partners	Community services to include job assistance, home
Nevada Women In Trades	Careers in high skills, blue collar occupations for women



Nevada Youth Network	Foster growth and independence of young people
New Horizon	Computer training center
Northwest Career College	Career College
Obodo Collective	Identify unserved communities; collaborate w/partners
On Our Own - SSA Ticket to Work Program	SSI/SSDI free employment svcs., continue rec'g funds
One Stop Career Center	Assistance for job seekers, training, placement
Opportunity Alliance Nevada	financial literacy classes and financial coaching
Parenting Project/Clark County Family Services	Teaches parenting classes/0-18
Roseman University	Upper-level degree programs
Safe House	Provides shelter and supportive services to women involved in domestic violence
Safe Nest	Empower, protect victims of domestic violence
Signs of Hope	Sexual Violence Victims Services
Southern Nevada Health District	Vital records, permits, work cards, immunization clinics
Sunrise Children's Foundation	Head start, WIC, home parenting instruction
The Just One Project	No cost community market with wraparound services
Three Square Food Bank	Community food bank
Touro University Nevada	Higher level education; medical
TRIO Adult Education Services	GED/HSD
Vegas PBS	Public affairs programming, funds for training



## **INCENTIVES TO ENCOURAGE PARTICIPATION:**

SNRHA offers many incentives to encourage FSS Program participation, including the following services:

- Individual case management
- Links to community resources
- Escrow account credits
- Homeownership opportunities
- Access to HUD certified housing counseling
- The opportunity to participate in family centered special events
- Monetary incentives for achieving Nevada HiSet and employment retention

## **FAMILY SELECTION PROCEDURES:**

In accordance with applicable federal regulations, families are selected without regard to race, color, religion, sex, handicap, familial status, or national origin. SNRHA observes all federal regulations related to FSS participation for all applicants. Families will be invited to program orientations based on the date SNRHA received their interest form.

The FSS application process is as follows:

- The resident/client must submit an FSS interest form
- FSS Coordinators will verify the eligibility status of the resident
- Eligible residents/clients will be invited to an orientation session based on the date SNRHA received their interest form,
- If the resident/client decides to attend orientation, a Pre-Assessment Form must be completed. The Pre-Assessment Form is a tool that will be used to establish a base level of need. It will be used for case management purposes only, to determine the participant's level of education, job skills, prior work experience, career interests and program readiness. It will not be used to screen-out any participant.
- During the orientation session, detailed program information will be shared to assist the resident/client in making the decision to participate
- If the resident/client decides not to participate, the family will be removed from the Interest List
- If the resident/client decides to participate, the family will be assigned an FSS Coordinator.

Completing the Pre-Assessment Form and attending FSS orientation are SNRHA's motivational screenings.

The program participant must be a current SNRHA resident/participant, 18 years or older. There



can only be one FSS CoP per family. The Coordinator will work with the family to determine the FSS Head of Household. If the FSS HOH is different than the one identified in the assistance file, the assistance file HOH will sign a form stating they understand that the FSS HOH will receive any applicable escrow.

## **PROGRAM OUTREACH**

FSS Coordinators will use multiple methods to inform and recruit eligible program participants. Promotional materials are distributed to existing residents and to applicants who are near completion in the lease-up process. These materials include flyers, brochures, and interest forms. These materials highlight program information and benefits.

Several other outreach methods will be used to encourage FSS Program participation:

- The FSS informational brochures and interest forms will be available on the SNRHA website, in SNRHA lobbies, administrative offices, management offices and/or distributed upon request
- The FSS department may mail brochures to any and/or all eligible households
- FSS presentations may be conducted during any resident informational sessions
- FSS orientation sessions will be held as needed based on program enrollment and staffing levels

## **CONTRACT OF PARTICIPATION:**

The Contract of Participation (CoP) will be discussed in detail with eligible family members, prior to being signed by the FSS Designated HOH. There will only be one FSS CoP per household. Other household members, 18 or older, may participate in the FSS Program at any time. These household members will be required to work one-on-one with the FSS Coordinator to develop and sign their own Individual Training and Service Plan (ITSP).

The enrollment process is complete once the FSS HOH and the FSS Coordinator sign the CoP.

The CoP must include:

- The rights and responsibilities of SNRHA and the participant.
- The term of the contract
- Baseline information – annual income, earned income and Total Tenant Payment (TTP) or flat rent for PH residents.
- ITSP which includes:
  - Final goals which must include:



- maintain suitable (as agreed upon between the PHA and participant) employment
- all family members are TANF free (excluding child only), the month of successful completion of the FSS program
- at least one individual goal established by the participant and FSS Coordinator
- The services to be provided to and the activities to be completed by the participant
  - Interim goals
    - The obligation of the family to comply with lease terms
    - Consequences of non-compliance with the FSS CoP

During the term of the CoP, changes may be made to the final goals within the first four years of the original contract date, unless there is an approved reasonable accommodation to change goals after that date.

- Changes to ITSP - The FSS Coordinator will assist the client with changes.

## **ESCROW ACCOUNT MANAGEMENT**

Escrow accounts are to be maintained for each family who has earned escrow credits. The escrow calculation allocates monthly savings amounts for each family, based on increases in their rent due to increases in their earned income.

The annual or interim recertification exam determines when and how much change there will be to the participant's portion of the rent, which may result in changes to the escrow accruals.

FSS escrow funds are combined and placed in HUD-approved investment instruments. The interest paid on the actual investment will be credited to the individual FSS escrow accounts monthly. The participant will receive an escrow statement annually. This statement will include the current monthly escrow credit along with the total escrow from beginning to ending balance and total interest accrual.

### Interim Escrow Withdrawals

An FSS HOH may be permitted to withdraw escrow funds for tuition and books, professional testing, professional license, homeownership, security deposit to move out of public housing, and major transportation (only to maintain employment) costs. The participant must:

- Have exhausted all other resources
- Not owe a debt to SNRHA (unless the participant is current with a repayment agreement)



- Be in program compliance with both FSS and SNRHA
- Submit a written request and documentation of the need to the FSS Coordinator
- Have attended one FSS empowerment workshop within the last 6 months
- Be actively pursuing FSS goals
- Use the escrow funds for purposes of meeting ITSP goals only; otherwise the participant will be terminated from the FSS program
- Provide receipt(s) verifying expenditure(s)

The escrow withdrawal cannot exceed 25% of total escrow balance, except for homeownership expense, which cannot exceed 90% of total escrow balance. In addition, for a disbursement for transportation the participant must contribute at least 10% of the total cost.

### Forfeited Escrow Funds

SNRHA will use forfeited escrow funds to benefit the participating FSS participants. Forfeited escrow funds may be used for the following:

- Everything allowed and set forth under the Interim Escrow Withdrawals policy
- Bus passes and gas cards
- \$150 for participants who obtain a Nevada HiSet or High School Diploma
- \$250 for participants who maintain and properly report new employment continuously at the same job for 6 months earning a minimum of Nevada minimum wage x 20 hours per week. This is limited to one time during FSS program enrollment.
- A maximum of \$300 dollars for child care for new employment. This is limited to one time during FSS program enrollment
- Training for FSS Coordinators

All written requests for interim and forfeited escrow disbursements will be submitted to the Supportive Services Manager after the FSS Coordinator and the Resident Program Coordinator (RPC) have reviewed the request, to determine the adequacy of documentation and the level of need. The SSM has final approval.

There is no appeal process for denial of interim or forfeited escrow disbursement requests

### Disbursements with Program Termination

SNRHA will disburse funds in the escrow account without the participant successfully completing the obligation of the CoP under the following circumstances:

- Services integral to the participant's advancement in the program agreed on by the FSS Coordinator and participant are not available.
- The FSS HOH becomes permanently disabled and unable to work and another FSS HOH is



not designated by the participant and FSS Coordinator.

- An FSS family moves outside of SNRHA jurisdiction with good cause under portability and continuation of the CoP after the move or completion of the CoP prior to the move is not possible. Good cause for this purpose must be documented and includes: an offer of employment, the need to care for an ill family member, and participating family health issues.

## **PROGRAM EXTENSIONS**

Contract extensions may be approved for two years for active FSS participants under the following conditions:

- The participant demonstrates active participation, including attendance at a self-sufficiency empowerment workshop within the previous 6 months.
- FSS Contract goals have not all been met, but can realistically be reached within the extension period
- Circumstances beyond the control of the participant impeded the participants ability to complete the CoP obligations

To request a program extension, the FSS participant must submit a written request to the FSS Coordinator. The written request must include: a. the reason(s) for requesting the extension b. What is needed to complete the goals? c. How will the extension help meet the goals? To determine if an extension is warranted, the FSS Coordinator will review the request, program compliance and progress with the participant.

The FSS Coordinator will submit to the RPC, a written recommendation for review. The RPC will submit same to the SSM for final approval.

There is no grievance process available when an extension is denied.

## **SUCCESSFUL COMPLETION OF THE PROGRAM**

Successful completion of the FSS Program occurs at any time during the CoP, if the following conditions are met, and the participant:

- Has obtained suitable employment and achieved his/her personal goals stated on the FSS ITSP and
- SNRHA has certified that family members have not received welfare cash assistance during the month of program completion
- Has obtained the individual goal as stated on the FSS ITSP

The participant must provide the following written documentation in order to be considered for



graduation.

30 days of pay stubs.

or

Income statement showing average earnings of Nevada minimum wage x 20 hrs per week for self-employment for 30 days

Copy of any vocational or educational certificate for any training set forth as a final goal  
SNRHA will pull a tri-merge report to verify completion of any established credit goal

Verification or self-certification that no family members received TANF (except child only) during the month of program completion.

FSS participants may successfully complete the program in less than the five-year CoP term, if they have met all other requirements. Successful program graduates are not required to leave subsidized housing.

The full balance of escrow, less any outstanding debt to SNRHA, will be given to the HOH within 30 days after the effective date of program completion.

There are no restrictions on the use of the escrow funds, and the U.S. Internal Revenue Service has ruled that these funds are not subject to federal income tax.

## **PROGRAM TERMINATION:**

### Voluntary

Participation in the FSS Program is voluntary. Participants may withdraw from the program at any time. This request will be honored without penalty regarding the family's housing status. Should the HOH withdraw, the FSS escrow funds will be forfeited.

### Involuntary

Reasons for involuntary termination from the FSS program include:

- ❖ Adverse loss of housing assistance
- ❖ Failure to fulfill responsibilities under the CoP
- ❖ An act occurs that is inconsistent with the purpose of the FSS program including but not limited to: committing fraud; failure to report changes in household composition and/or income with the timeframes set forth in the Administrative Plan and ACOP, and other reoccurring acts/behaviors as determined by the RPC and SSM





The FSS escrow funds will be forfeited.

### Mutual Consent

The HOH and the FSS Coordinator may mutually agree to terminate participation in the FSS Program. The FSS escrow funds will be forfeited.

### **PROGRAM RE-ENROLLMENT**

Participants who have successfully completed the FSS program are eligible to apply for re-enrollment based on the family selection policies and meet the one of the following criteria:

Any person who graduated due to the 30% rule

Any person who graduated from the program and has maintained 12 consecutive months of employment at the same individual wage at the time of program graduation and has a new individual goal that is more advanced/progressive than the individual goal under the previous CoP.

Any family not successfully completing the program may re-apply to the FSS Program after a minimum of twelve months unless otherwise approved by the SSM

All former participants re-applying are subject to the family selection policies set forth in this Action Plan.

### **GRIEVANCE PROCEDURE**

The FSS participant has a right to grieve any negative decision(s), except denial of a contract extension and denial of an interim or forfeited escrow disbursement.

The participant will have ten (10) business days, from the date of the written notification of a negative action to contact the Resident Program Coordinator (RPC) or designee.

Written decision notification from the RPC or designee shall be issued to the participant within ten (10) business days. If the participant does not agree with the decision of the RPC, they may request a review of the decision with the SSM. The participant shall have the opportunity to present written and/or oral objections to the Supportive Services Manager (SSM).

If the participant does not agree with the decision of the SSM, they may request a hearing with



the SNRHA Hearing Officer, according to guidelines established in the Admissions and Occupancy Policy (ACOP) for Public Housing residents or Administrative Plan for Housing Choice Voucher participants.

## **PORTABILITY**

### Port-Ins

Port-ins from other FSS Programs will be welcomed into the SNRHA Family Self-Sufficiency Program, under the following conditions:

- Open slots are available if slots are not available, the family will be placed on the Interest Form List according to the date and time that the request was received.
- The participant is in compliance with the initial housing authority's FSS program
- Final goals can be attained the time remaining on the CoP
- SNRHA receives a valid signed CoP and ITSP from the previous housing authority
- The participant signs an FSS CoP with SNRHA within 120 days of lease up within SNRHA jurisdiction

A new CoP will be executed for the remaining time of the initial contract using the end date, beginning income and family rent figures on the CoP from the previous housing authority.

### Port-Outs

Once a family notifies the FSS Coordinator of the intention to move out of SNRHA's jurisdiction the Coordinator will clearly discuss the FSS family's options for continued participation or termination from the program.

Families who move out of SNRHA's jurisdiction within the first 12 months of FSS enrollment will be terminated from the program and any escrow funds will be forfeited.

Families who move to another jurisdiction that absorbs the voucher and the family enrolls in their FSS program will continue their CoP under the receiving housing authority's administration. All escrow funds will be sent to the receiving housing authority.

Families who move to another jurisdiction that does not offer the FSS program will be terminated and escrow funds will be forfeited unless disbursed under the disbursement with termination policies set forth in this Action Plan.

SNRHA will not administer an FSS CoP for a family that moves out of SNRHA's jurisdiction.



### **ASSURANCE OF NON-INTERFERENCE:**

The decision, by family, to participate or not in the FSS Program, will not affect their right to admission in the Public Housing or Housing Choice Voucher programs, or their right to occupancy in accordance with their lease.

### **CHANGES TO THE ACOP & ADMINISTRATIVE PLAN**

SNRHA recognizes that the implementation of this FSS Action Plan is a dynamic process, which may need to incorporate changes/revisions to current policies and procedures to be an effective working tool for staff.

SNRHA will review HUD FSS regulations and PIH notices as needed, to ensure that the FSS Action Plan is consistent with same. Any necessary changes will be made to SNRHA policy as appropriate.



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## **GLOSSARY**

### **ACRONYMS USED IN SUBSIDIZED HOUSING**

<b>AAF</b>	Annual Adjustment Factor (published by HUD in the Federal Register and used to compute annual rent adjustments)
<b>ACC</b>	Annual Contributions Contract
<b>ADA</b>	Americans with Disabilities Act of 1990
<b>BR</b>	Bedroom
<b>CDBG</b>	Community Development Block Grant (Program)
<b>CFR</b>	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”)
<b>CPI</b>	Consumer Price Index (published monthly by the Department of Labor as an inflation indicator)
<b>EBLL</b>	Elevated Blood Lead Level
<b>EHV</b>	Emergency Housing Voucher
<b>EID</b>	Earned Income disallowance
<b>EIV</b>	Enterprise Income Verification
<b>FDIC</b>	Federal Deposit Insurance Corporation
<b>FHA</b>	Federal Housing Administration
<b>FICA</b>	Federal Insurance Contributions Act (established Social Security taxes)
<b>FMR</b>	Fair Market Rent
<b>FR</b>	Federal Register
<b>FSS</b>	Family Self-Sufficiency (Program)
<b>FY</b>	Fiscal Year
<b>FYE</b>	Fiscal Year End
<b>GAO</b>	Government Accountability Office
<b>GR</b>	Gross Rent
<b>HAP</b>	Housing Assistance Payment
<b>HCV</b>	Housing Choice Voucher
<b>HQS</b>	Housing Quality Standards.
<b>HUD</b>	Department of Housing and Urban Development
<b>HUDCLIPS</b>	HUD Client Information and Policy System
<b>IPA</b>	Independent Public Accountant
<b>IRA</b>	Individual Retirement Account
<b>IRS</b>	Internal Revenue Service
<b>JTPA</b>	Job Training Partnership Act
<b>LBP</b>	Lead-Based Paint

<b>MSA</b>	Metropolitan Statistical Area (established by the U.S. Census Bureau)
<b>MTCS</b>	Multi-family Tenant Characteristics System (now the Form HUD-50058 sub-module of the PIC system)
<b>MTW</b>	Moving to Work
<b>NOFA</b>	Notice of Funding Availability
<b>OIG</b>	Office of Inspector General
<b>OMB</b>	Office of Management and Budget
<b>PBV</b>	Project Based Voucher
<b>PHA</b>	Public Housing Agency
<b>PIC</b>	PIH Information Center
<b>PIH</b>	(HUD Office of) Public and Indian Housing
<b>PS</b>	Payment Standard
<b>QC</b>	Quality Control
<b>QHWRA</b>	Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)
<b>RAD</b>	Rental Assistance Demonstration
<b>REAC</b>	(HUD) Real Estate Assessment Center
<b>RFP</b>	Request for Proposals
<b>RFTA</b>	Request for Tenancy Approval
<b>RIGI</b>	Regional Inspector General for Investigation (handles fraud and program abuse matters for HUD at the regional office level)
<b>Section 8</b>	See HOUSING CHOICE VOUCHER (HCV)
<b>SEMAP</b>	Section Eight (8) Management Assessment Program
<b>SRO</b>	Single Room Occupancy
<b>SSA</b>	Social Security Administration
<b>SSI</b>	Supplemental Security Income
<b>TANF</b>	Temporary Assistance for Needy Families
<b>TBRA</b>	Tenant Based Rental Assistance
<b>TPV</b>	Tenant Protection Vouchers
<b>TR</b>	Tenant Rent
<b>TTP</b>	Total Tenant Payment
<b>UA</b>	Utility Allowance
<b>UIV</b>	Upfront Income Verification
<b>URP</b>	Utility Reimbursement Payment
<b>VASH</b>	Veteran Affairs Supportive Housing
<b>VAWA</b>	Violence Against Women Reauthorization Act of 2005
<b>VMS</b>	Voucher Management System

## **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 a family member lease and occupancy rights are allowed to remain intact.

**Budget authority.** An amount authorized and appropriated by the Congress for payment to HAs 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, space available for use by the assisted family and other occupants of the unit.

**Computer match.** The automated comparison of data bases 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 to 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; 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.

**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; 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.*** 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 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. (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 non-elderly family
- A displaced family
- The remaining member of a participant's family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a participant's 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.

**Fixed Income.** Periodic payments at reasonably predictable levels from one or more of the following sources: Social Security, Supplemental Security Income, Supplemental Disability Insurance, Federal, state, local, or private pension plans, Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts, Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

**Foster Child Care Payment.** 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 24CFR 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 to 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. (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.

**Hard to House.** A household that has three (3) more minors or has a disabled household member.

**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).** 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. (“PHA” and “HA” mean the same thing.)

**Housing Quality Standards.** 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 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.

**Imputed Asset.** An asset disposed of for less than Fair Market value during the two years preceding examination or reexamination.

**Imputed Income.** HUD passbook rate multiplied by the total cash value of assets. 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 persons 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.

**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% 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% 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 §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 §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% 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.

**Non-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 participant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or 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 participant 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.

**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).

***Persons With Disabilities.*** For the purpose of program eligibility, a person who has a disability as defined in 42 U.S.C. 423 or a developmental disability as defined in 42 U.S.C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical or mental impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means and “individual with handicaps” as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes). See “Individual with handicaps”

***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 Section 8 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.

***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.

***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 the 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 \$500.00.

**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 participant will pay for the next 12 months if there are no additional changes to be reported.

**Remaining Member of Tenant/Participant 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 ("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 voucher 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** is 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 §982.615 to §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 §982.602 to §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 Benefit 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 approval of the tenancy. 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. The term on the family's voucher stops from the date the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied. 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 has received low-income housing tax credits 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. (also known as 'participant'.)

**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/participant 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.

**Up-front Income Verification (UIV).** Up-front income verification refers to the PHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits.

**Utility allowance.** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the participant 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% 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% 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.

**Veteran.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

**Violence Against Women Reauthorization Act (VAWA) of 2013.** Prohibits denying admission to the program to an otherwise qualified applicant or terminating assistance on the basis that the applicant or program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

**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.



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THE SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY (SNRHA)  
REASONABLE ACCOMMODATION POLICY

The Southern Nevada Regional Housing Authority (SNRHA) must comply with Federal, state, and local laws that prohibit discrimination on the basis of disability, including but not limited to the Federal Civil Rights Act (Title VI), the Federal Fair Housing Act (Title VIII), Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act (ADA). An applicant, resident, participant, or client with a disability may ask for specific changes in rules, policies, procedures, and methods of communication or may ask for physical modifications to a unit or common area to enable him/her access to a building, unit, or program. Such changes are referred to as “Reasonable Accommodations or Reasonable Modifications.” The term “Client”, for the purpose of this document, includes applicants, residents, participants, employees, and other disabled persons who may conduct business with SNRHA.

**STEP 1: Ensure Clients Are Informed of SNRHA’s Reasonable Accommodation (RA) Policy/Procedures**

a) All departments must have copies of the Request for a Reasonable Accommodation/Modification forms available for distribution in their lobbies as well as RA signage. The SNRHA Housing Programs Department has incorporated a Request for Reasonable Accommodation form into its RA Brochure, as a tear-off document. This brochure and Reasonable Accommodation Request form is available in our lobby, management offices at all times, as well as on SNRHA’s website.

b) Applicants:

All applicants applying for housing shall be provided with an RA Notice which is signed and remains a part of the applicant’s file. This documents that all applicants are aware of their right to request a reasonable accommodation.

Most other forms that are generally used to verify program eligibility or continued eligibility of clients have an RA statement at the bottom as a means of ensuring all clients understand SNRHA’s RA request-policy and/or contact information.

c) Participants/Residents:

All participants/residents are provided with an RA Brochure as part of their HUD required briefing/leasing packet. Further, all participants/residents after leasing receive written reminders of this policy as part of their continued occupancy packet as well as the agency’s RA notice is a footnote on most widely used forms and brochures.

**STEP 2: How to Request a Reasonable Accommodation (RA)**

a) If a client asks for a change in rules, policies, procedures, physical structures, or type of unit because of a disability, the client must fill out the ***Request for a Reasonable Accommodation/Structural Modification Form***. This form documents the actual

request and provides the contact information of the client's health care provider or other professional who can verify the need for the accommodation and the nexus to the client's disability for consideration in approving the request. A SNRHA employee **MUST** forward the form to the healthcare provider or other professional verifying the information. If the person requesting the accommodation is a minor, the parent or guardian must fill-out the form. If the client is unable to complete the form, staff may assist and have another staff witness.

- b) Staff shall instruct the client to mail or return in person, the completed ***Request for a Reasonable Accommodation/Structural Modification Form*** to the appropriate department/office.

### **Step 3: Reasonable Accommodation Verification Process When RA Forms Are Received**

- a) Once staff receives a request form, the form is reviewed to ensure all areas are completed and signed. This authorizes the medical or other professional person with knowledge of the disability as well as need/nexus for an accommodation, to release information to SNRHA.
- b) Upon receiving and no later than three (3) business days after receipt, staff shall complete the top portion of the ***Certification of Need for a Reasonable Accommodation/Modification form*** and mail, email, or fax with the completed ***Reasonable Accommodation/Structural Request Form*** to the health provider listed on the *Reasonable Accommodation Modification Form*. Notes shall be placed in our MIS system, documented on the client's file narrative and a copy of the request form placed in the client's file. All documents received into the department are date stamped upon accepting or opening mail.
- c) If a person's disability is obvious, or otherwise known to the Manager or his/her designee, and if the need for the requested accommodation is also readily apparent or known, or has previously been verified by the Authority, then you do not need to send the medical certification to verify the disability or need for the RA. The Asset Manager will document the file and submit a written certification to the 504 Coordinator to approve (*FOR PH/AFFORDABLE HOUSING USE ONLY*).
- d) **Note:** Access to all medical verification documentation collected by SNRHA staff in relation to an RA or reasonable modification request shall be strictly limited to those with a specific need to know. Medical verification documentation shall be sanitized or removed from the file and shredded.
- e) The client's caseworker shall forward originals of the RA Request and Certification forms to the 504 Coordinator for all requests.
  - 1. The originals will be forwarded to the 504 Coordinator within two (2) calendar days of receipt, after review by the Housing Programs

Manager/Director. The attached memo cover will be used to document all submissions.

2. A log shall be maintained for all requests for tracking purposes.

- f) If clarification is needed regarding the requested accommodation, the 504 Coordinator shall contact either the client or certifying party.

**STEP 4: If the Certification of Need Form is Not Received Back From the Health Care Provider**

- a) If staff does not receive the *Certification of Need Form* within fourteen (14) calendar days, they shall notify the client “in writing” to request that he/she follow up with their health care provider.
- b) Staff shall also attempt to call the health care provider and document their call to obtain the completed forms. If the medical provider states that they cannot locate the original request, staff shall fax a copy to the provider and maintain a copy of the fax confirmation in the client’s file.
- c) If the provider refuses to complete the form, the client will be notified in writing that the request is denied until verification can be provided that they are indeed disabled and need the requested accommodation.

**STEP 5: Approval of Reasonable Accommodations by 504 Coordinator**

- a) Once the documents are received by the 504 Coordinator, they shall review the documents to ensure all items required are provided, in compliance with SNRHA’s Reasonable Accommodation policy as well as HUD’s Fair Housing Regulations and guidance.
- b) The 504 Coordinator shall complete the **Reasonable Accommodation/Modification Determination of Notice Form** and mail out the notice along with a **Reasonable Accommodation Agreement** for Approved RAs within fourteen (14) calendar days of receipt of the request. Copies of the Determination Notice and RA Agreement with the cover log shall be submitted to the appropriate departments no later than two (2) business days after mailing the notices.
- c) Upon receiving the **favorable** determination document, the Manager is to contact the resident to sign the RA Agreement **within two (2) business days of receipt**. The Manager is to make a minimum of two (2) attempts to contact the resident to sign the RA agreement. The Manager must leave a door knocker/hanger verifying their attempt to contact the resident. The first attempt will be by knocking on the resident’s door. The second attempt will be within three (3) calendar days and must be by letter sent to the resident by Mail Confirmation requesting their presence in the office to sign the form and informing the resident that if they fail to sign the form, it will result in their

RA being denied. All attempts to contact the resident must be documented. (PH/Affordable only)

- d) If two attempts were unsuccessful, the manager is to return the RA Agreement within five (5) business days along with a cover letter documenting the attempts made to contact the resident to the 504 Coordinator within two (2) business days of the last attempt. The 504 Coordinator shall make one final attempt to contact the client. If the response is not received the RA Request will be closed and a letter sent to the client.
- e) Housing Choice Voucher (HCV) clients shall be required to come into the office to sign the increased voucher or submit the Live-in Aide's information and therefore, any unsigned Agreements will be signed during that appointment and submit to the 504 Coordinator.
- f) If RA agreements are returned to a caseworker or property office, they are to be forwarded to the 504 Coordinator within 24 business hours.

**STEP 6: Notice Process**

- a) The 504 Coordinator shall advise the client in writing of his/her decisions.
- b) For approvals, the notice must include:
  - 1) How the reasonable accommodation will be provided.
  - 2) Signing of the RA Agreement. When filling out the form, specify the accommodations/modifications that will be made and any administrative solution.
- c) For denials, the notice should include:
  - 1) An explanation of why the Authority is unable to grant the accommodation that has been requested.
  - 2) The Authority's offer to enter into an interactive process with the disabled requester, in efforts to find an equally effective but less burdensome form of accommodation or modification.
  - 3) The process for obtaining a hearing to appeal the Authority's determination.
- d) The hearing officer shall advise the 504 Coordinator of all hearing requests related to the denial of an RA request and attend these hearings. The client may also bring anyone he/she wishes to the meeting.

**STEP 7: Processing of Approved Accommodations**

- a) Upon receiving the approved 504 Requests, staff will contact the client to make an appointment, if needed for items such as adding a live-in aide and transfer to another unit. In this circumstance the voucher/bedroom size shall not be increased until the live-in aide has been selected by the family, screened and approved by SNRHA in compliance with HUD regulations.



- b) If the accommodation is to allow the family to relocate during the first year of the lease, after the RA is approved and received, the Occupancy Specialist shall provide a copy of SNRHA's Mutual Rescission form for the client to take to the owner to request approval to terminate their lease prior to the lease-end date. It is the owners/agent's right to agree or not. The family cannot move without the owner/agent's approval even with an approved RA. (**FOR HCV ONLY**). (Note: if the basis for requesting premature termination of lease is related to a verified need for reasonable accommodation to relocate, and a private landlord is unwilling to allow premature termination, clients should be advised of their right to file a housing discrimination complaint with HUD against the landlord).
- c) Unit modifications are not made by SNRHA for HCV participants. These modifications are made at the participant's expense with the owners/agent's prior written approval. The owner/agent's may require an establishment of an interest-bearing escrow account to cover the expense of putting the modified interior features of the unit back into the original configuration after the family moves, particularly if those modifications have reduced the general marketability of the unit. SNRHA does have partnerships with agencies that may have funds available to assist families in need. The contact information is provided in our Resource Guide which is available in our lobbies and on our website (*FOR HCV ONLY*).
- d) SNRHA will acknowledge in writing within five (5) calendar days of receipt of RA Determination Notice, advising the client of the timeframe within which SNRHA may be able to commence the actual work (*FOR PH AND AFFORDABLE HOUSING ONLY*).
- e) All other administrative accommodations shall be completed within 10 calendar days of receiving the request or as soon as the family is available. Examples are enlarged documents, translation or interpretation services, and/or home visits for annual re-certifications.
- f) Admission's RA requests for additional bedroom sizes and/or reasonable modifications to units to be offered in the future will be placed in the client's admission files and the family will be coded in our IS system to ensure the correct unit type/size is offered in compliance with the approved request once their name comes to the top of the certified eligible pool wait list for the unit type/size required.
- g) Admissions administrative RA requests shall be processed within a reasonable time (reasonable time is defined as the same day if the client is needing enlarged documents or assistance with a item that staff can readily provide) or within 10 business days if they need items such as documents in Braille or other formats that may require a outside vendor to produce. Interpretation services will be scheduled within one week of the request. RA approvals are not required for interpretation services. There are no charges for this service to the client.

- h) If a client refuses to utilize a reasonable accommodation that has been approved, they must put the refusal in writing and state the reason for the refusal.

### **EFFECTIVE COMMUNICATION PROCEDURE**

SNRHA has a responsibility to communicate with persons who need information or services in a language other than English. Any resident requesting an alternate communication method must complete the Effective Communication Form. This form must be signed by both the resident and staff person.

The Effective Communication Form, **placed on pink paper**, will be completed and placed on the top left side of the resident file.

This form will indicate to anyone who has to communicate with the resident the acceptable form of communication. For instance, if the resident requires communication in Spanish, then any staff communicating with the resident, either verbally or in writing will know they must have an interpreter or forms must be in Spanish.

## **Appendix B**

### **LIMITED ENGLISH PROFICIENT PLAN**

#### **EXECUTIVE ORDER 13166**

Most individuals living in the United States can read, write, speak, and understand English. There are many individuals, however, for whom English is not their primary language. Language for Limited English Proficiency (LEP) persons can be a barrier in accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

The Southern Nevada Regional Housing Authority (SNRHA) is committed to ensuring the accessibility of its programs and activities to all eligible clients including those LEP persons.

This policy is a guide for SNRHA staff to ensure responsible steps are taken to provide meaningful access to its programs and services to all eligible LEP persons.

SNRHA shall determine the need within its jurisdiction by assessing the balances of the four factors listed below:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the 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 the agency and costs.

The analysis shall provide SNRHA with a baseline to determine what reasonable steps shall be taken to ensure meaningful access for LEP persons. Additionally, staff shall ensure that written translations of vital documents for each eligible LEP language group that constitutes five (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. This determination will be maintained for future audits/or reviews and shall be updated at least bi-annually.

#### **A. VITAL LEP DOCUMENTS**

SNRHA has established the following documents in its Housing Choice Voucher (HCV) Program as vital documents and shall ensure these documents are available in both English and Spanish.

If the need is established by documented data demonstrating an additional five (5) percent LEP group, then this same list of vital documents shall be translated into that language.

SNRHA Vital LEP Documents shall include:

- a. Pre-Applications (when pre-applications are accepted over the phone, bi-lingual staff with designated lines shall be advertised).
- b. Full Applications

- c. Personal Declaration Form
- d. HUD allowable deduction notice
- e. FSS Contract of Participation
- f. FSS Outreach Notices
- g. Helpful Hints Brochure
- h. Annual Acknowledge Form
- i. Report Change Notice
- j. Hearing Request Form
- k. Fair Housing Notices
- l. Notice advising clients of free language assistance
- m. Notice advising clients of reasonable accommodations
- n. Interim Reporting Form
- o. Continued Occupancy Form
- p. Zero Income Packet
- q. All public notice signs in lobby
- r. Portability Notice
- s. Guide to Local Resources
- t. Zero Income Certification Form
- u. SNRHA's Authorization for Release of Information
- v. HUD Form 9886
- w. Roster of Bi-Lingual staff with phone numbers

Additionally, SNRHA shall include a "tag" on most other documents to inform LEP persons that if they cannot read the letter, document, brochure, or notice they may contact one of SNRHA's bi-lingual staff for free translation/interpretation services. This tag to English written documents shall be in Spanish or required other languages as needed.

## **B. ORAL LANGUAGE SERVICES**

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). SNRHA shall provide bi-lingual staff in all areas that have direct contact with clients. Additionally, these staff shall have specialized knowledge of the area of service or programs that the LEP person is applying or participating. Staff shall be trained to ensure they understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles. To avoid undo burdens to LEP client due to delays in service, when interpretation is needed and is reasonable, it shall be provided in a timely manner. Staff shall have a current list of all bi-lingual staff and training on steps to assess additional contractual service providers.

SNRHA shall maintain a contract with a professional interpreting service provider to ensure all clients with LEP needs receive equal access to all programs and services. Staff shall be informed of this service and advised how to request said service and schedule appointments. This service shall be free to our clients. Client's appointment letters shall inform them to contact our agency prior to their appointment if they need an interpreter available to translate during their meeting.

SNRHA shall ensure its main telephone line have information translated in Spanish. This information shall inform clients of the free translation services available.

### **C. OUTREACH**

SNRHA shall conduct outreach in a method that is clearly inclusive of LEP persons identified through its annual analysis. Community partnerships have been developed to further assist in the enhancement of this Plan. All notices posted in printed media shall also be posted in our City's Spanish Newspapers and other minority publications. This plan will be coordinated with SNRHA's Affirmative Marketing Plan and shall include direct marketing strategies to promote homeownership options directly related to SNRHA's Scattered-Site Homeownership / Section 8 and all other programs. Such outreach may include, but not be limited to, special briefings for LEP residents and participants to ensure they understand this program option as well as participating in community-wide homeownership events sponsored by agencies with direct contract with disabled and/or LEP persons. SNRHA shall provide telephone menus in the most common languages encountered on its main switchboards. Additionally, SNRHA shall include notices in local newspapers in languages other than English and provide notices in non-English language radio and television stations about the availability of language assistance services. Staff will make presentations through community organizations to target LEP persons.

### **D. STAFF TRAINING**

SNRHA shall ensure all staff receives a copy of its LEP Plan and training. This training shall address:

- a. The types of services available to assist clients and how to access these services.
- b. How to respond to LEP callers.
- c. How to respond to written communications for LEP.
- d. How to respond to a LEP person who has in-person contact with SNRHA staff.
- e. How to ensure competency of interpreters and translation services.
- f. How to remain in the role of an interpreter versus a counselor, adviser, etc.

This training shall be conducted for all new employees as part of their orientation and for all current employees to ensure full compliance.

### **E. POSTING**

Signs in common areas and offices shall inform our public at the initial point of contact that SNRHA provides free translation services. These signs shall be in English and Spanish. Additional languages shall be added when outcomes of analysis demonstrated the need within our community.

Additionally, all other notices shall include a tag written in Spanish to inform clients that if they need a translation, how to reach the correct staff and/or request vital documents in Spanish.

**F. MONITORING AND UPDATING THE LEP PLAN:**

SNRHA shall monitor the impact of its LEP Plan by seeking feedback from the community, and assessing potential LEP Plan modifications based on:

- a. Current LEP populations in service area or population encountered or affected
- b. Frequency of encounters with LEP language group
- c. Nature and importance of activities to LEP person
- d. Availability of resources, including technological advances, additional resources, and costs imposed
- e. Whether existing assistance is meeting the needs of LEP persons
- f. Whether staff knows and understands the LEP plan and how to implement it
- g. Whether identified sources for assistance are still available and viable.

The plan shall be updated as required to comply with Executive Order 13166.



## Policy on Civil Rights and Disability Rights

### A. Nondiscrimination: The Fair Housing and Civil Rights Acts require that

1. The Southern Nevada Regional Housing Authority (SNRHA) shall not, on account of race, color, national origin, sex, sexual orientation, marital status, religion, familial status, age, perceived sexual orientation, gender identify or marital status or disability:
  - a. Deny anyone the opportunity to apply for housing (when the waiting list is open), nor deny to any qualified applicant the opportunity to lease housing suitable to its needs
  - b. Provide anyone housing that is different (of lower quality) from that provided others<sup>1</sup>
  - c. Subject anyone to segregation or disparate treatment
  - d. Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
  - e. Treat anyone differently in determining eligibility or other requirements for admission
  - f. Deny anyone access to the same level of services<sup>2</sup> or
  - g. Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.
  - h. SNRHA shall not have any policies or procedures that support unlawful housing discrimination, which "may be established by a practice's discriminatory effect, even if not motivated by discriminatory intent."
  - i. SNRHA shall not have any practice that has a discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or nation origin.
  - j. SNRHA will explicitly prohibit "land use rules", ordinances, policies, or procedures that restrict or deny housing opportunities or otherwise make unavailable or deny dwellings to persons because of race, color, religion, sex, handicap, familial status, or national origin.
  - k. SNRHA shall prohibit the practice of providing to persons in residential real estate-related transactions information that is "inaccurate or different from that provided

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<sup>1</sup> PHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to others, is permitted because it permits persons with disabilities to participate in the public housing program.

<sup>2</sup> This requirement applies to services provided by PHA and services provided by others with PHA's permission on public housing property. Thus, a health screening program offered by the local health department in a public housing community room would have to be fully accessible to persons with disabilities.



other, because of race, color, sex, handicap, familial status, or natural origins.”

- I. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status.
2. SNRHA’s policy on nondiscrimination in Public Housing Occupancy is in the Admissions and Continued Occupancy Policy.
3. SNRHA’s policy on nondiscrimination in Section 8 Housing Choice Voucher (HCV) Program Occupancy is in the Section 8 Administrative Plan.
4. SNRHA’s policy on nondiscrimination for employees is in the Employee Handbook and Collective Bargaining Agreement.
5. SNRHA shall include a nondiscrimination statement in all job announcements and announcements for contracted work through our procurement departments on behalf of our agency.
6. SNRHA’s policy on nondiscrimination for its Affordable Housing Program shall be included in its Affordable Housing Manual.
7. All advertisements shall include a non-discrimination statement.
8. SNRHA’s 504 Coordinator is the person charged with ensuring that persons with disabilities are provided with the same level of benefits and services as all other clients.

**B. Informing Applicants/Residents and Participants of their Civil and Disability Rights**

1. Key policy documents are required to be posted on bulletin boards in application offices, property management offices, and the Section 8 office.
2. Policy documents shall be provided to persons with disabilities in a format that is understandable to them.
3. Every applicant for housing shall be asked whether he/she or any family member needs a reasonable accommodation, which may include methods of communication other than plain language paperwork, or special features in a housing unit because of a disability.
4. SNRHA staff shall make every effort to assist applicants, participants, and residents who request information or assistance with the exercise of their civil and disability rights.
5. Any applicant, participant, or resident who believes that he/she is the victim of discrimination, based upon membership in a protected class, shall have an opportunity to file a complaint with SNRHA. If the complaint is not resolved to the applicant, participant, or resident’s satisfaction, SNRHA shall advise the client of their right to complete and submit HUD’s Fair Housing Complaint form.





6. Staff is familiar with SNRHA's obligations to modify its physical facilities and they can explain these obligations to applicants.
7. Housing management staff is also familiar with SNRHA's obligations to modify its physical facilities and they can explain these obligations to residents. Unit modification shall only be approved by SNRHA's 504 Coordinator.
8. Section 8 HCV staff is familiar with SNRHA's obligations to provide reasonable accommodations in program administration and they can explain these obligations to applicants and program participants.

### **C. Eligibility for Unit Modifications and Reasonable Accommodations (RAs)**

1. The Authority's obligation to make unit modifications and reasonable accommodations for individuals with disabilities is predicated on two facts:
  - a. The person on whose behalf the request is made qualifies as an "individual with disabilities" and
  - b. The person's request can be verified to be needed because of the person's disability.
2. If the information is not already verified, the Authority may verify that a person qualifies as an "individual with disability" and that the request for unit modification or RA is needed because of the disability.
3. At no time may the Authority request information about the nature or extent of a person's disability.

### **D. Modification of Physical Facilities for Persons with Disabilities in the Public Housing Program**

1. In making physical modifications to SNRHA property (sites, parking lots, common spaces, routes through buildings, and individual apartments), the following requirements apply, considering reasonable accommodations in procedures or practices:
  - A. SNRHA **must**, upon request by an applicant or resident with a disability:
    - 1) make structural modifications to its housing and non-housing facilities and
    - 2) make reasonable accommodations in its procedures or practices [24 CFR § 8.33](#) **unless** such structural modifications or reasonable accommodations would:
      - a. result in an undue financial<sup>3</sup> and administrative burden on the Authority, or

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<sup>4</sup>. Considering all the PHA's sources of revenue, including both operating and capital funds



- b. result in a fundamental alteration in the nature of the program

If a requested modification or RA can be demonstrated to be an undue financial and administrative burden, SNRHA is obligated to do everything it can do short of that burden to meet the applicant's, participant's, or resident's disability-related need.

**ONLY** the SNRHA's 504 Coordinator may make a determination that a requested **structural modification** is an undue financial and administrative burden or a fundamental alteration in the nature of the PHA's program.

- B. In making structural modifications to "Existing housing programs" [24 CFR § 8.23](#) or in carrying out "Other Alterations" [24 CFR § 8.23\(b\)](#) for otherwise qualified persons with disabilities, SNRHA **may**, but is not required to:

- 1) Make each of its existing facilities accessible [24 CFR § 8.24 \(b\)](#); or
- 2) make structural alterations when other methods can be demonstrated to achieve the same effect [24 CFR § 8.24 \(b\)](#) ;
- 3) Make structural alterations that require removal or altering a load-bearing structural member [24 CFR § 8.24 \(b\)](#);
- 4) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level [24 CFR § 8.26](#);

- C. When SNRHA is making "Substantial Alterations" <sup>4</sup> to an existing housing facility, SNRHA **may**, but is not required to:

- 1) Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level [24 CFR § 8.26](#);
- 2) Make structural alterations that require the removal or altering of a load-bearing structural member [24 CFR § 8.32 \(c\)](#); or
- 3) Make structural alterations to meet minimum accessibility requirements where it is structurally impracticable <sup>5</sup> also [24 CFR § 8.32 \(c\)](#) and § 40, **Uniform Federal Accessibility Standards, 3.5 and 4.1.6(3)**

- D. The undue burdens test is not applicable to new housing or housing undergoing substantial alteration.

- 1. SNRHA shall bear the cost of modifying public housing units for residents with disabilities.
- 2. Applicants, participants, or residents with disabilities are not required to

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<sup>4</sup> defined in [24 CFR § 8.23](#) as Comprehensive Modernization or work in developments with 15+ units, work whose value exceeds 75% of the replacement cost of the facility

<sup>5</sup> Structural impracticability is defined as: Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved.



accept the Authority's modification of their units nor accept SNRHA's transfer offers.

3. If the residents do not accept SNRHA's attempts at reasonable accommodation, the residents cannot hold PHA liable for failure to make reasonable accommodations.

#### **E. Reasonable Accommodations in Policies, Procedures, and Practices**

1. When requested by an applicant, participant, or resident who is an individual with disabilities, SNRHA is obligated to adjust or modify its policies, procedures, and practices to provide such individual with disabilities an equal and effective opportunity to use and enjoy the full range of the Authority's services and programs.
2. SNRHA is not obligated to provide RAs when the requested accommodation is:
  - a. An undue financial and administrative burden or
  - b. A fundamental alteration in the nature of the Authority's program.

Some examples of reasonable accommodations to SNRHA's policies, procedures, or practices include, but are not limited to:

- c. Exempting all assistant animals for individuals with disabilities from the provisions of SNRHA's Pet Policy,
- d. Conducting a meeting, hearing, or other service normally performed at a SNRHA office in the home or other location requested by a person with a disability,
- e. Billing an alternative payee in addition to or instead of a resident with a disability at the resident's request,
- f. Permitting a resident with a disability to have a washing machine and dryer in her unit (even though this is normally not permitted) because the only laundry facilities at the property cannot be made accessible to her disability,
- g. Increasing the utility allowance for a family that includes an individual with a disability when the individual's disability requires the use of equipment that uses utilities (e.g. an in-home dialysis set-up),
- h. Granting a Section 8 Housing Choice Voucher (HCV) family a time extension beyond that normally granted because they need a particular type of unit that is hard to find,
- i. Allowing participants in the Section 8 HCV program to move within their first year, if:
  1. such move has been requested as an RA for a disabled family **and**
  2. verification of the need to move is received from their medical provider **and**



3. the owner/agent agrees to sign a mutual recession form to release the participant from their current lease.

The above list is in no way inclusive. In addition, see the RA sections of the Admissions and Continued Occupancy Policy and the Section 8 Administrative Plan.

#### **F. Communications with Persons with Disabilities**

1. SNRHA and its property managers/staff communicate with all persons with disabilities in a manner that is understandable to them.
  - a. Simply mailing out written material is insufficient
  - b. People who have sensory or cognitive impairments are entitled to the form of communication that they request and that will be intelligible to them
  - c. In some cases this will require different forms of communication (large print, Braille, taped materials, sign language interpretation) and
  - d. In other cases, it will require communicating with someone other than -or- in addition to the applicant or resident (a family member, friend, advocate, case worker, etc.)
  - e. When SNRHA or a management agent has first contact with all applicants, they ask whether the applicant needs some form of communication other than plain language paperwork.
  - f. Alternative forms of communication might include but are not limited to:
    - 1) sign language interpretation and TDD service
    - 2) having written materials explained orally by staff, either in person or by phone
    - 3) large type materials, information on tape, information in a Braille format
    - 4) having someone (friend, relative, or advocate) accompany the applicant to receive, interpret, and explain housing materials
    - 5) permitting applicants to file applications by mail and
    - 6) using alternative sites for application taking, interviews, meetings, or hearings.
  - g. [24 CFR § 8.6](#)
  - g. If an applicant requests alternate forms of communication, the applicant's file is noted and all future communications (notices, letters, etc.) are provided in the appropriate format. The note explaining the alternate method of communication must stay on top of the left-side of the folder at all times.
  - h. SNRHA staff presents examples to help persons with cognitive impairments understand eligibility, rent computation, applicant screening, reasonable accommodations, and lease compliance.
  - i. SNRHA staff explains rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read, understand, or remember. [24 CFR § 8.6](#)
  - j. Intake and management staff read and explains anything they would normally hand to an applicant, participant, and residents who cannot read.
  - k. SNRHA provides plain language written material in English and all other languages



whose speakers constitute at least five (5) percent of the program eligible population of the locality.

- I. Applicants, participants, and/or residents who read or understand little English and whose speakers number fewer than five (5) percent of the program eligible population of the locality may furnish an interpreter who can explain what is going on.
2. SNRHA prepares the following information for applicants, participants, and residents in plain-language accessible formats:
    - a. Marketing, promotional, and informational materials
    - b. Information about the application process
    - c. General statement about reasonable accommodation (for all applicants)
    - d. The application form and required certifications
    - e. Information about opening, updating, or closing the waiting list
    - f. All form letters and notices to applicants and residents (tags in Spanish shall be on these)
    - g. Information about hearings for rejected applicants (tags on withdrawal, terminations, and eviction notices in Spanish)
    - h. Orientation materials for new residents
      - 1) The lease and house rules, if any
      - 2) Guidance or instructions about care of the housing unit
      - 3) All information related to applicant's rights (to informal hearings, Grievance Procedure etc.)
    - i. Some applicants and residents with disabilities will be unable, because of their disabilities, to come to SNRHA facilities for meetings, interviews, etc. In this case, the Authority's staff shall go to the location where they are to conduct meetings, interviews, or conduct them by mail.
    - j. SNRHA shall bear the cost for providing alternate methods of communication, plain language paperwork, and going to the homes or other locations for residents with disabilities.

#### **G. Updating Resident Information on Needs of Persons with Disabilities**

1. Each year, staff shall advise each participant/resident of SNRHA's Reasonable Accommodation (RA) Policy in writing as part of the annual re-examination. Property managers ask every resident whether they need any special features in their units or other PHA-owned facilities. If the head or co-head have had a change in their ability to communicate via written English since their last re-examination, staff shall update the file to ensure all future correspondence is provided in the required format.
2. People who formerly had no disability-related needs may become disabled after becoming SNRHA's residents.

#### **H. Cross Reference: Guidebooks on Reasonable Accommodation (RA) for**



### **Persons with Disabilities**

1. SNRHA and its managers have an ongoing responsibility to make modifications to PHA's physical facilities and RAs in procedures and practices to ensure that its programs are fully usable by persons with disabilities.
2. If applicants, participants, or residents do not inform staff of their disability needs or if they are unwilling to disclose the fact that they have a disability, SNRHA is not able to make RAs.



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## **SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY'S EFFECTIVE COMMUNICATIONS POLICY**

The Southern Nevada Regional Housing Authority (SNRHA) operates in accordance with the federal Fair Housing Law and all Civil Rights laws. It does not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, marital status, disability, or familial status. In addition, SNRHA has a legal obligation to provide “reasonable accommodations” (RAs) to applicants, residents, and Section 8 Housing Choice Voucher (HCV) program participants with disabilities and their family members.

If you are applying to live in SNRHA housing or already live in SNRHA housing and need us to communicate with you because of a disability in some manner other than plain language paperwork, we will accommodate your needs so we may communicate freely and understand each other.

### **1. What are the ways SNRHA will try to provide “effective communication” to all applicants and residents?**

All “vital” written notices, letters, and other forms of communication between SNRHA and applicants/residents will contain an “effective communication” paragraph, explaining that alternative forms of communication are always available.

All public materials that are prepared will be made available in alternative formats upon request.

All public meetings shall be held in accessible locations and will provide American Sign Language interpreters and large print materials when requested.

### **2. What are examples of “effective communication”?**

For applicants or residents with visual impairments, examples of effective communication could include:

1. Reading materials aloud
2. Providing brightly lit interview rooms to help people see better
3. Making written materials available in Large Print
4. Making written materials available on audio cassette, and supplying a cassette player so you can listen to material instead of reading it
5. Making written materials available in a Braille format
6. Calling people on the telephone or going to their homes to deliver information instead of mailing letters or notices.

For applicants or residents with hearing impairments, examples of effective communication could include:

1. Providing an American Sign Language interpreter for all interviews and meetings
2. Conducting certain simple operations in writing instead of speaking





3. Responding to messages sent through our Telecommunications Device for the Deaf (TDD)

For applicants or residents who have difficulty reading, writing, understanding, or remembering, examples of effective communication could include:

1. Reading all written materials to you
2. Filling out paperwork and reading it back before you sign it
3. Inviting a representative you choose to attend all meetings and interviews with you to help you and remember what is going on
4. Mailing material to a representative in addition to sending it to you so the representative can help you understand the material.

**3. The key to effective communication is for SNRHA to communicate in a way that works for the resident or participant!**

**4. Who can qualify for a form of communication other than plain language written material?**

A qualified person with a disability will qualify for the form of communication that is effective for him or for her.

**5. Who qualifies as a person with a disability?**

To be eligible for some form of communication other than plain language written material, a disability is defined as any physical, mental, or emotional impairment that substantially limits one or more major life activities.

**6. How do I ask for some other method of communication?**

**STEP 1 – Ensure Clients are Informed of SNRHA’s Reasonable Accommodation (RA) Policy/Procedures**

- a) All departments must have copies of the Request for a Reasonable Accommodation/Modification forms available for distribution in their lobbies as well as RA signage. The SNRHA Housing Programs Department has incorporated a Request for Reasonable Accommodation form into its RA Brochure, as a tear-off document. This brochure and Reasonable Accommodation Request form is available in our lobby, management offices at all times, as well as on SNRHA’s website.

b) Applicants:

All applicants applying for housing shall be provided with an RA Notice which is signed and remains a part of the applicant’s file. This documents that all applicants are aware of their right to request a reasonable accommodation.



Most other forms that are generally used to verify program eligibility or continued eligibility of clients have an RA statement at the bottom as a means of ensuring all clients understand SNRHA's RA request-policy and/or contact information.

c) Participants/Residents:

All participants/residents are provided with an RA Brochure as part of their HUD required briefing/leasing packet. Further, all participants/residents after leasing receive written reminders of this policy as part of their continued occupancy packet as well as the agency's RA notice is a footnote on most widely used forms and brochures.

**STEP 2 – How to Request a Reasonable Accommodation (RA)**

- a) If a client asks for a change in rules, policies, procedures, physical structures, or type of unit because of a disability, the client must fill out the ***Request for a Reasonable Accommodation/Structural Modification Form***. This form documents the actual request and provides the contact information of the client's health care provider or other professional who can verify the need for the accommodation and the nexus to the client's disability for consideration in approving the request. A SNRHA employee **MUST** forward the form to the healthcare provider or other professional verifying the information. If the person requesting the accommodation is a minor, the parent or guardian must fill-out the form. If the client is unable to complete the form, staff may assist and have another staff witness.
- b) Staff shall instruct the client to mail or return in person, the completed ***Request for a Reasonable Accommodation/Structural Modification Form*** to the appropriate department/office.

**STEP 3: Reasonable Accommodation Verification Process When RA Forms are Received**

- a) Once staff receives a request form, the form is reviewed to ensure all areas are completed and signed. This authorizes the medical or other professional person with knowledge of the disability as well as need/nexus for an accommodation, to release information to SNRHA.
- b) Upon receiving and no later than three business days after receipt, staff shall complete the top portion of the ***Certification of Need for a Reasonable Accommodation/Modification form*** and mail with the completed ***Reasonable Accommodation/Structural Request Form*** to the health provider listed on the ***Reasonable Accommodation Modification Form***. Notes shall be placed in our MIS system, documented on the client's file narrative and a copy of the request form placed



in the client's file. All documents received into the department are date stamped upon accepting or opening mail.

- c) If a person's disability is obvious, or otherwise known to the Manager or his/her designee, and if the need for the requested accommodation is also readily apparent or known, or has previously been verified by the Authority, then you do not need to send the medical certification to verify the disability or need for the RA. The Asset Manager will document the file and submit a written certification to the 504 Coordinator to approve (*FOR PH/AFFORDABLE HOUSING USE ONLY*).
- d) **Note:** Access to all medical verification documentation collected by SNRHA staff in relation to an RA or reasonable modification request shall be strictly limited to those with a specific need to know. Medical verification documentation shall be sanitized or removed from the file and shredded.
- e) The client's caseworker shall forward originals of the RA Request and Certification forms to the 504 Coordinator for all requests.
  - 1. The originals will be forwarded to the 504 Coordinator within two (2) business days of receipt, after review by the Housing Programs Manager/Director. The attached memo cover will be used to document all submissions.
  - 2. A log shall be maintained for all requests for tracking purposes.
- f) If clarification is needed regarding the requested accommodation, the 504 Coordinator shall contact either the client or certifying party.

**STEP 4: If the Certification of Need Form is Not Received Back from the Health Care Provider?**

- a) If staff does not receive the *Certification of Need Form* within fourteen (14) calendar days, they shall notify the client "in writing" to request that he/she follow up with their health care provider.
- b) Staff shall also attempt to call the health care provider and document their call to obtain the completed forms. If the medical provider states that they cannot locate the original request, staff shall fax a copy to the provider and maintain a copy of the fax confirmation in the client's file. If the provider refuses to complete the form, the client is notified in writing that the request is denied until verification can be provided that they are indeed disabled and need the requested accommodation.

**STEP 5: Approval of Reasonable Accommodations by 504 Coordinator**



- a) Once the documents are received by the 504 Coordinator, she shall review the documents to ensure all items required are provided, in compliance with SNRHA's Reasonable Accommodation policy as well as HUD's Fair Housing Regulations and guidance.
- b) The 504 Coordinator shall complete the **Reasonable Accommodation/Modification Determination of Notice Form** and mail out the notice along with a **Reasonable Accommodation Agreement** for Approved RAs within fourteen (14) calendar days of receipt of the request. Copies of the Determination Notice and RA Agreement with the cover log shall be submitted to the appropriate departments no later than two (2) business days after mailing the notices.
- c) Upon receiving the **favorable** determination document, the Manager is to contact the resident to sign the RA Agreement **within two (2) days of receipt**. The Manager is to make a minimum of two (2) attempts to contact the resident to sign the RA agreement. The Manager must leave a door knocker/hanger verifying their attempt to contact the resident. The first attempt will be by knocking on the resident's door. The 2<sup>nd</sup> attempt will be within three (3) days and must be by letter sent to the resident by Mail Confirmation requesting their presence in the office to sign the form and informing the resident that if they fail to sign the form, it will result in their RA being denied. All attempts to contact the resident must be documented. **(PH/Affordable only)**
- d) If two attempts were unsuccessful, the manager is to return the RA Agreement within five (5) business days along with a cover letter documenting the attempts made to contact the resident to the 504 Coordinator within two (2) business days of the last attempt. The 504 Coordinator shall make one final attempt to contact the client. If the response is not received the RA Request will be closed and a letter sent to the client.
- e) Housing Choice Voucher (HCV) clients shall be required to come into the office to sign the increased voucher or submit the Live-in Aide's information and therefore, any unsigned Agreements will be signed during that appointment and submit to the 504 Coordinator.
- f) If RA agreements are returned to a caseworker or property office, they are to be forwarded to the 504 Coordinator within 24 business hours.

#### **STEP 6: Notice Process**

- a) The 504 Coordinator shall advise the client in writing of his/her decisions.
- b) For approvals, the notice must include:
  - 1) How the reasonable accommodation will be provided.
  - 2) Signing of the RA Agreement. When filling out the form, specify the accommodations/modifications that will be made and any administrative solution.



- c) For denials, the notice should include:
  - 1) An explanation of why the Authority is unable to grant the accommodation that has been requested.
  - 2) The Authority's offer to enter into an interactive process with the disabled requester, in efforts to find an equally effective but less burdensome form of accommodation or modification.
  - 3) The process for obtaining a hearing to appeal the Authority's determination.
- d) The hearing officer shall advise the 504 Coordinator of all hearing requests related to the denial of an RA request and attend these hearings. The client may also bring anyone he/she wishes to the meeting.

#### **STEP 7: Processing of Approved Accommodations**

- a) Upon receiving the approved 504 Requests, staff will contact the client to make an appointment, if needed for items such as adding a live-in aide and transfer to another unit. In this circumstance the voucher/bedroom size shall not be increased until the live-in aide has been selected by the family, screened and approved by SNRHA in compliance with HUD regulations.
- b) If the accommodation is to allow the family to relocate during the first year of the lease, after the RA is approved and received, the Occupancy Specialist shall provide a copy of SNRHA's Mutual Rescission form for the client to take to the owner to request approval to terminate their lease prior to the lease-end date. It is the owners/agent's right to agree or not. The family cannot move without the owner/agent's approval even with an approved RA. (**FOR HCV ONLY**). (Note: if the basis for requesting premature termination of lease is related to a verified need for reasonable accommodation to relocate, and a private landlord is unwilling to allow premature termination, clients should be advised of their right to file a housing discrimination complaint with HUD against the landlord).
- c) Unit modifications are not made by SNRHA for HCV participants. These modifications are made at the participant's expense with the owners/agent's prior written approval. The owner/agent's may require an establishment of an interest-bearing escrow account to cover the expense of putting the modified interior features of the unit back into the original configuration after the family moves, particularly if those modifications have reduced the general marketability of the unit. SNRHA does have partnerships with agencies that may have funds available to assist families in need. The contact information is provided in our Resource Guide which is available in our lobbies and on our website (**FOR HCV ONLY**).



- d) SNRHA will acknowledge in writing within five (5) business days of receipt of RA Determination Notice, advising the client of the timeframe within which SNRHA may be able to commence the actual work (*FOR PH AND AFFORDABLE HOUSING ONLY*).
- e) All other administrative accommodations shall be completed within 10 calendar days of receiving the request or as soon as the family is available. Examples are enlarged documents, translation or interpretation services, and/or home visits for annual re-certifications.
- f) Admission's RA requests for additional bedroom sizes and/or reasonable modifications to units to be offered in the future will be placed in the client's admission files and the family will be coded in our IS system to ensure the correct unit type/size is offered in compliance with the approved request once their name comes to the top of the certificated eligible pool wait list for the unit type/size required.
- g) Admissions administrative RA requests shall be processed within a reasonable time (reasonable time is defined as the same day if the client is needing enlarged documents or assistance with a item that staff can readily provide) or within 10 business days if they need items such as documents in Braille or other formats that may require a outside vendor to produce. Interpretation services will be scheduled within one week of the request. RA approvals are not required for interpretation services. There are no charges for this service to the client.

### **What other remedies exist?**

If at any time you feel your request is not being processed appropriately, you have the right to file a complaint with SNRHA's 504 Coordinator at:

Southern Nevada Regional Housing Authority  
504 Coordinator  
340 N. 11<sup>th</sup> Street  
Las Vegas, NV 89101  
(702) 477-3113  
(702) 387-1898 tel/TTY

In addition, you have a right to seek assistance from the U.S. Department of Housing and Urban Development – Fair Housing and Equal Opportunity Office.



**HOUSING CHOICE VOUCHER (HCV) PARTICIPANT  
REQUEST FOR REASONABLE ACCOMMODATION**

This form is to be used by **PARTICIPANTS** of SNRHA Housing Choice Voucher Program to request a change in a rule, policy, procedure, or a physical modification to their unit or building common area because of their disability.

This form should be filled out by the **PARTICIPANT** with a disability unless the individual is a minor or cannot do this as a direct result of his/her disability. In this case the participant's designee may fill out the form.

Please let the staff know if you need assistance in filling out this form. Participants shall submit this form to the Housing Choice Voucher Office for processing.

Date of Request: _____	Client # _____
Head of Household's Name: _____	

1) Name of the participant with a disability requesting the accommodation:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

2) Name of person filling out this form (if not the individual listed above)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

3) I need the following change as a result of my disability: (Check One)

- A change in a rule or the way the Housing Authority communicates with me.  
Please list the rule or communication method and be specific about the change you need. Use the other side of this paper, if necessary.



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- An extension in the amount of time to find a suitable unit because I need a special type of unit as a result of my disability or a family member's disability.
- Allow me to move from one unit to another during the first year of my lease, if my owner agrees to sign a mutual rescission form to allow me to end my current lease and my medical provider verifies that I require this move to provide me with a unit that shall accommodate my disability. I understand that the owner/manager is "NOT" required to sign the form. If they "elect" not to approve the mutual rescission, you cannot move.
- Approve an exception rent (must have approval from Housing and Urban Development [HUD]) and the unit must meet the reasonable accommodation needs as defined by your medical or other professional provider.
- Approval to lease a unit from a relative which has been designed to accommodate the needs of my disability.
- An additional bedroom for medical equipment which cannot be accommodated within the unit size currently assigned.
- An additional bedroom due to disability for other household members.
- A caregiver: Someone to assist the participant with their basic care, food preparation, some medical assistance, housekeeping, etc. (A caregiver cannot provide 24 hours / 7 days a week care for the participant and will not be assigned an additional bedroom.)
- A live-in aide: Someone who will reside in the unit (24 hours / 7 days a week) with the participant.
- Service and/or Companion Animal: Animals that are necessary as a reasonable accommodation to assist and provide support. Please list the type of animal below:

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- Other:

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- 4) You may verify that I have a disability (but not the nature or severity of the disability) and my need for this request as a direct result of my disability by contacting the following **health care provider**:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Release of Information:

**By signing below, I give permission for SNRHA to contact the above named health care provider. This permission allows SNRHA to verify that I, or a family member under my guardianship, have a disability and needs the Reasonable Accommodation (requested above) as a direct result of this disability. I understand that the information you obtain will be kept confidential and used solely to determine my request for an accommodation/modification.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**This form to be used for SNRHA purposes only.**

**Please be advised while we are here to serve you, Housing Choice Voucher (HCV) Regulations authorize a public housing authority to terminate benefits when a family engages in or threatens abusive or violent behavior toward the authority's personnel [24 CFR § 982.552(c)(1)(ix.)]**

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful false statements or misrepresentations to any department or Agency of the United States as to any matter within its jurisdiction.

Our agency provides reasonable accommodations to elderly or disabled applicants and participants to ensure programs and services are accessible. If you need a reasonable accommodation, please submit your request in writing to: SNRHA, P.O. Box 1897, Las Vegas, NV 89125, Attn: 504 Officer.

Southern Nevada Regional Housing Authority will not discriminate because of race, color, religion, age, national origin, disability, familial status or sexual orientation. If you feel you have a Fair Housing Complaint, please contact HUD at 1-800-669-9777 or TTY 1-800-927-9275. The Equal Access to Housing in HUD Program Regardless of actual or perceived Sexual Orientation, Gender Identity, or Marital Status in compliance with Final Rule, published in the Federal Register August 2014. SNRHA will comply with 24 CFR Parts 5, 91, 880, et al. Violence Against Women Act Conforming Amendments.

Si usted no puede leer este documento por favor pida la asistencia de nuestro personal bilingüe. La Vivienda Regional del Sur de Nevada, proporciona servicios de traducción para participantes y clientes que califican. Si usted necesita esta forma en Español, por favor contacte a su asistente social.



**CERTIFICATION FOR NEED OF REASONABLE ACCOMMODATION/STRUCTURAL MODIFICATION**

**Please return to:** **OR FAX TO: (702) 922-6929**

Southern Nevada Regional Housing Authority – HCV Program  
380 N. Maryland Pkwy.  
Las Vegas, NV 89101

Date: \_\_\_\_\_

Dear \_\_\_\_\_:  
Health Care Provider Name

\_\_\_\_\_ has given the Housing Authority permission  
Participant's Name

(see attached) to contact you and verify that he/she has a disability within the meaning of the definition provided below. As a direct result of his/her disability, our participant is requesting a change in a rule, policy, procedure, and/or service.

Please **do not** send any medical records nor disclose the type of disability.

Please answer the following questions:

- 1) In my professional opinion, the participant has a disability as defined by one of the categories below:
  - a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - b) A record of such an impairment; or
  - c) Being regarded as having such impairment.

**Yes**                       **No**                       **No Knowledge**

- 2) In my professional opinion, the participant needs \_\_\_\_\_

\_\_\_\_\_ accommodation/modification as a **direct** result of his/her disability in order to reside in a private unit subsidized SNRHA or participate in the Housing Choice Voucher Programs and/or to participate in other services provided by SNRHA.

**Yes**                       **No**                       **No Knowledge**

**Check One:**

- Allow the **participant** to transfer from one unit to another during the first year of their lease, **if** their owner agrees to sign a mutual rescission form to allow the client to end their current lease, **and** as the medical provider you verify that this change is required to provide the client with a unit that shall accommodate their disability.
- Approve an exception rent (must have HUD's approval and the unit must meet the reasonable accommodation(s) needs as defined by your medical provider).



- An additional bedroom for medical equipment. The unit size currently assigned cannot accommodate necessary medical equipment.
- Approval to lease a unit from a relative which has been designed to accommodate the needs of my disability.

**Note:** If requesting an additional room for medical equipment, you (medical professional or other professional) certify that the equipment cannot be otherwise accommodated in current space provided under the voucher and there is a need for a separate bedroom to accommodate this medical equipment. Please list necessary medical equipment and estimated size.

Equipment	Estimated size
_____	_____
_____	_____

***I certify under penalty of law that the participant needs an additional bedroom to store/use required medical equipment listed above.***

- Yes       No

\_\_\_\_\_  
Signature of medical professional required here.

- A caregiver is defined as someone to assist the participant with their basic care, food preparation, some medical assistance, housekeeping, etc. (A caregiver cannot provide 24 hours / 7 days a week care for the participant.)

Yes     No      **I feel the participant's disability can be accommodated with a caregiver.**

- A live-in aide is defined as someone who will reside in the unit (24 hours / 7 days a week) with the participant.

Yes     No      **I feel the participant's disability can be accommodated with a live-in aide.**

- \*Service and/or Companion Animal: Animals that are necessary as a reasonable accommodation to assist and provide support.

Yes     No      **I feel the participant's disability can be accommodated with a service and/or companion animal.**

\*If yes, please list the type of animal below:

\_\_\_\_\_

- 3) In order to have full access to programs and services (including housing), it is my professional opinion, as a **direct** result of the participant's disability he/she requires additional **physical modifications to the unit/common area or reasonable accommodations to the rules and policies** of the housing development, auxiliary aides, or services.



Yes                       No                       No Knowledge

**Please be advised under the Housing Choice Voucher (HCV) Program the participant (not the agency) is responsible for making and paying for modifications to units as the Housing Authority does not own units under the Section 8/HCV Program.**

4) Other: \_\_\_\_\_  
\_\_\_\_\_

If you mark yes to any accommodation request above (Items 1-4), please **clearly** describe your recommendations. The nexus between the disability and the accommodation **must** be clearly defined without including the actual disability.

**This area MUST be completed prior to returning.**

**I certify under penalty of law that the information provided is true and correct.**

\_\_\_\_\_  
Signature – **(must be signed)**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Health Care Professional (Print)

\_\_\_\_\_  
Title of Health Care Professional

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

**This form to be used for SNRHA purposes only.**

**Please be advised while we are here to serve you, Housing Choice Voucher (HCV) Regulations authorize a public housing authority to terminate benefits when a family engages in or threatens abusive or violent behavior toward the authority's personnel [24 CFR § 982.552(c)(1)(ix).]**

WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful false statements or misrepresentations to any department or Agency of the United States as to any matter within its jurisdiction.

Our agency provides reasonable accommodations to elderly or disabled applicants and participants to ensure programs and services are accessible. If you need a reasonable accommodation, please submit your request in writing to: SNRHA, P.O. Box 1897, Las Vegas, NV 89125, Attn: 504 Officer.

Southern Nevada Regional Housing Authority will not discriminate because of race, color, religion, age, national origin, disability, familial status or sexual orientation. If you feel you have a Fair Housing Complaint, please contact HUD at 1-800-669-9777 or TTY 1-800-927-9275. The Equal Access to Housing in HUD Program Regardless of actual or perceived Sexual Orientation, Gender Identity, or Marital Status in compliance with Final Rule, published in the Federal Register August 2014. SNRHA will comply with 24 CFR Parts 5, 91, 880, et al. Violence Against Women Act Conforming Amendments.

Si usted no puede leer este documento por favor pida la asistencia de nuestro personal bilingüe. La Vivienda Regional del Sur de Nevada, proporciona servicios de traducción para participantes y clientes que califican. Si usted necesita esta forma en Español, por favor contacte a su asistente social.



**REASONABLE ACCOMMODATION AGREEMENT FOR PARTICIPANTS**

RE: Participant's Name \_\_\_\_\_ Client #: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number/TTY: \_\_\_\_\_

SNRHA agrees to make the reasonable accommodation(s) described below, to enable the named participant an equal opportunity to apply for or reside in his/her housing. This agreement is being entered into solely to document that your request for an accommodation has been approved. It is not a lease addendum and shall not be enforced as a pre-condition for a continued occupancy or family obligations.

Description of Accommodation: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Participant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: This form must be signed and returned to the 504/ADA Coordinator within 10 business days from the date above. Please return in the enclosed envelope.**

SNRHA Supervisor's Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date \_\_\_\_\_

If Applicable: Date Voucher Issued: \_\_\_\_\_ Date Transfer Request Submitted: \_\_\_\_\_ Work Order #: \_\_\_\_\_

Date Agreement Executed: \_\_\_\_\_  
504 Coordinator Approval: \_\_\_\_\_ Date: \_\_\_\_\_

**Note: Send copy to SNRHA 504/ADA Coordinator**

**This form to be used for SNRHA purposes only.**

Please be advised while we are here to serve you, Housing Choice Voucher (HCV) Regulations authorize a public housing authority to terminate benefits when a family engages in or threatens abusive or violent behavior toward the authority's personnel [24 CFR § 982.552(c)(1)(ix.)]  
WARNING: Section 1001 of Title 18 of the U.S. Code makes it a criminal offense to make willful false statements or misrepresentations to any department or Agency of the United States as to any matter within its jurisdiction.

Our agency provides reasonable accommodations to elderly or disabled applicants and participants to ensure programs and services are accessible. If you need a reasonable accommodation, please submit your request in writing to: SNRHA, P.O. Box 1897, Las Vegas, NV 89125, Attn: 504 Officer.

Southern Nevada Regional Housing Authority will not discriminate because of race, color, religion, age, national origin, disability, familial status or sexual orientation. If you feel you have a Fair Housing Complaint, please contact HUD at 1-800-669-9777 or TTY 1-800-927-9275. The Equal Access to Housing in HUD Program Regardless of actual or perceived Sexual Orientation, Gender Identity, or Marital Status in compliance with Final Rule, published in the Federal Register August 2014. SNRHA will comply with 24 CFR Parts 5, 91, 880, et al. Violence Against Women Act Conforming Amendments.



Si usted no puede leer este documento por favor pida la asistencia de nuestro personal bilingüe. La Vivienda Regional del Sur de Nevada, proporciona servicios de traducción para participantes y clientes que califican. Si usted necesita esta forma en Español, por favor contacte a su asistente social.



**PARTICIPANT'S REASONABLE ACCOMMODATION/MODIFICATION  
DETERMINATION NOTICE**

Date: \_\_\_\_\_

Participant's Name: \_\_\_\_\_ Client #: \_\_\_\_\_

Address: \_\_\_\_\_

Accommodation Requested: \_\_\_\_\_

A determination has been made that SNRHA will/will not be able to offer the accommodation/modification proposed above.

- The request was approved because your medical or other professional provider confirmed you meet the civil rights definition of disability and the change you requested is as a direct result of your disability.
- The request was denied because:
  - Your medical or other professional provider certified that your disability does not meet the civil rights definition of disability.
  - Your medical provider certified that you do not need the change requested as a direct result of your disability.
  - Your request would pose a fundamental alteration in the nature of the program.
  - Your request would pose an undue financial and administrative burden to the Agency.
  - Your medical or other professional provider did not respond to your request.
  - Your request is partially approved: \_\_\_\_\_
  - We would like to offer an alternative accommodation since your request has been denied. Please contact the 504 Officer at (702) 477-3113 to schedule an appointment to further discuss this alternative solution:



**If your request is marked as approved, please complete the attached “Reasonable Accommodation Agreement” which must be signed and returned to our Office *within 10 (ten) business days of the approval date on this notice.***

If you disagree with this determination, you may request a hearing within 10 (ten) calendar days, in writing or another form of communication, as required under your Effective Communication Request to staff. Your request for a hearing shall be forwarded to our hearing officer who shall schedule a hearing within 10 (ten) calendar days of receiving your request. If you do not request a hearing within 10 (ten) calendar days of the date of this ineligibility notice, the case will be considered closed. Furthermore, Please be advised that if we offer you an accommodation that meets the requirements that have been certified by a doctor or other health care provider and you “decline” the accommodation, you cannot resubmit the request again “unless” there has been a change in your circumstances that require a “different” accommodation.

This form was completed by:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Job Title: \_\_\_\_\_ Date: \_\_\_\_\_





## **THE SOUTHERN NEVADA REGIONAL HOUSING AUTHORITY'S (SNRHA) AFFIRMATIVELY FURTHERING FAIR MARKETING POLICY**

It is the responsibility of SNRHA, and its contract management agents, to conduct all marketing activities in an open and clear manner, with all marketing information available in both English and any other language used by at least five (5) percent of the program eligible Limited English Proficiency (LEP) population of the locality which currently is Spanish, containing the Fair Housing logo, and in a manner that reaches those eligible families least likely to apply for housing and/or be aware of our Scattered-site and Housing Choice Voucher (HCV) homeownership options, Family Self-Sufficiency Program, Family Unification, and/or other Services.

1. Marketing and informational materials will:
  - a. Comply with Fair Housing Act requirements on wording, logo, size of type, etc.
  - b. Describe the housing units, application process, waiting list, and preference structure accurately and conduct and track outreach for its Family Self-Sufficiency Programs
  - c. Use clear and easy to understand terms and more than strictly English-language and other-language print media
  - d. Contact agencies that serve potentially qualified applicants least likely to apply (e.g. persons with disabilities or members of racial or ethnic minority groups) to ensure that accessible/adaptable units are offered to applicants who need these features and that all minorities are notified
  - e. Make clear who is eligible: low income individuals and families, working and non-working people, and people with both physical and mental disabilities; and
  - f. Be clear about SNRHA's responsibility to provide reasonable accommodations to people with disabilities
  - g. Develop partnerships with non-profit organizations that provide services to those populations that are least likely to apply, including disabled clients for SNRHA programs and services
  - h. Advertise through minority printed media and when feasible radio and television stations to promote programs and services
  - i. Develop marketing tools such as brochures and posters that shall be distributed throughout our community as various social service offices and non-profit organizations to ensure information is available via multiple marketing outreach methods
  - j. Schedule bi-lingual staff to speak at cultural events to promote SNRHA's programs and services
  - k. Participate with the County of Clark in the development of its Affirmative Further Fair Housing Plan, which is part of its Consolidated Plan
  - l. Ensure all participants and residents are aware of the Scattered-Site and Section 8 Housing Choice Voucher (HCV) homeownership option by ensuring notices in both



English and Spanish are available in all lobbies and adding a brief description for the programs to our initial and annual re-certification process.



2. In order to identify and then market effectively to those eligible families least likely to apply, SNRHA or its contractor shall, every three years, perform the following actions to document the effectiveness of its marketing and outreach strategy:
  - a. Prepare a property-by-property demographic breakdown that identifies the number and percentage of residents who are:
    - 1) Elderly families (Head, spouse or sole member age 62 or older)
    - 2) Disabled families (Head, spouse or sole member is a person with disabilities)
    - 3) White/Caucasian families
    - 4) Black/African American families
    - 5) Asian families
    - 6) Hawaiian/Pacific Islander families
    - 7) Native American/Alaska Native families
    - 8) Hispanic/Latino families
    - 9) Non-Hispanic/Non-Latino families
  - b. Prepare a breakdown of each site-based waiting list and any citywide waiting list that breaks down the number and percentage of applicants by the categories listed above
  - c. Using the most recent demographic information for the City, SNRHA shall determine the number and percentage of income eligible families, first all eligible families using the categories above, then subdividing the eligible families by income tier and the categories above as follows:
    - 1) Extremely low income families (incomes less than 30 percent of area median income, adjusted for family size)
    - 2) Very low income families (incomes between 31 and 50 percent of area median income adjusted for family size)
    - 3) Lower income families (incomes between 50 and 80 percent of area median income adjusted for family size).
  - d. Compare the data on property demographics and waiting list demographics to the citywide eligible family data to determine whether there are any categories of eligible families who are under-served (i.e., 10 percent or more difference) by age, disability, race, or ethnicity.
  - e. Using data on unit turnover, determine the number, size, type (accessible, adaptable and non-accessible/adaptable), and locations of apartments likely to become vacant in the next 12 months.
  - f. Review the applicable waiting lists against the likely availability projections from step (e) above, and determine whether any waiting lists that are presently closed will be re-opened.



- g. If there are any under-served categories of families including Limited English Proficiency (LEP persons), determine where those families are currently located, and design a marketing campaign to reach those families.
- h. The campaign should, at a minimum:
  - 1) be aimed at families for whom the waiting list is open
  - 2) be presented in the appropriate language
  - 3) use all appropriate media
  - 4) describe the housing opportunities including homeownership of scattered-site units to eligible families available at SNRHA simply but accurately
  - 5) contain both the Fair Housing Logo and Fair Housing language
  - 6) describe how an interested family can get additional information about the Authority's housing opportunities
  - 7) be coordinated with SNRHA's LEP Outreach Plan
  - 8) advertise widely within the community
  - 9) making efforts to ensure the building and communications that facilitate applications and services delivery are accessible to persons with disabilities
  - 10) provide fair housing counseling services or referrals to fair housing agencies
  - 11) inform participants of how to file a fair housing complaint, including the toll free number for housing discrimination
  - 12) recruit FSS coordinators and all other staff community
  - 13) recruit landlords and service providers in areas that expand housing choice to program participants
  - 14) Ensure record keeping includes race, ethnicity, familial status, and disability status of program participants.

These marketing activities shall be conducted at least quarterly and shall include direct marketing activities to the population who is Limited English Proficient. Advertisements shall be printed in Las Vegas major publications, our one African American publication, two Spanish newspapers, and other minority newspapers within Las Vegas. Additionally, we shall distribute information via facsimile to over 40 government and non-profit organizations that work directly with low-income families including those who are LEP. Radio and Television appearance(s) shall be scheduled, to the extent possible, to also promote all housing programs including scattered-site homeownership and Housing Choice Voucher (HCV) Homeownership options to eligible participants. SNRHA shall maintain tracking records reflecting our efforts as it relates to affirmatively furthering fair housing opportunities.



### Addendum

SNRHA shall further ensure additional reasonable steps are taken to affirmatively further fair housing in regards to any Family Unification Program (FUP) Vouchers awarded from HUD. These reasonable steps shall include:

1. Identifying and ensuring certifications of FUP eligible families and youth may be placed on SNRHA's waiting list and ensuring the family or youth maintains their original position on the waiting list after certification.
2. Appropriately placing all FUP eligible families and youth referred from the PCWA on the HCV waiting list in order of first come-first serve.
3. Informing applicants on how to file a fair housing complaint including the provision of the toll free number for the Housing Discrimination Hotline 1-800-669-9777.



## Ethics Policy

The State of Nevada and the Southern Nevada Regional Housing Authority (SNRHA) have established standards of conduct for their employees. These standards are designed to assure the utmost in public trust and confidence in the policies and practices of SNRHA. Because of its status as an independent public corporation, SNRHA recognizes its responsibility to conduct all business in a manner above reproach or censure. This Code of Ethics will describe in detail the standards by which staff is to be held accountable.

This Code recognizes and incorporates those selections of federal and state law which govern the conduct of public employees, and in no way supplants those provisions of law. In cases where no statutory precedent exists, the policy of SNRHA shall be applied, except that this policy shall in no way be taken to supersede the provision of any contracts, labor agreements, or other external agreements affecting the rights and privileges of employees.

The Standards of Conduct contained within the Code of Ethics shall be generally applied so as to avoid the appearance, or actual occurrence, of any favoritism or special treatment towards any applicant, resident, participant, vendor, or agent having business, or dealings of any kind, with SNRHA. No employee shall use, cause, or allow to be used, his or her position to secure any personal privileges for himself, herself, or others, or influence the activities, actions, or proceeds of SNRHA.

SNRHA, in establishing standards of conduct for its employees and commissioners, recognizes the importance of establishing standards of conduct for external vendors and suppliers of products and/or services to the Authority. While the Authority cannot mandate the internal conduct or policies of vendors, it nevertheless requires that vendors and suppliers adhere to certain basic principles in conducting business with SNRHA. Specifically, these principles include:

No direct or indirect personal inducement of SNRHA employees. This includes the giving of gifts, money, tickets or any items or service having a value of \$50.00 or more.

It is expected that vendors or suppliers of professional services to SNRHA will adhere to the Code of Ethics to which their particular profession subscribes.

Any vendor or supplier found in violation of SNRHA policy shall be barred from future business dealings with SNRHA. SNRHA reserves the right to have vendors and suppliers sign a statement of compliance with the standard of conduct of the Authority.

### **1-IV.A APPLICABILITY**

The provisions contained herein shall apply to all employees of SNRHA. With respect to contracted professional services of SNRHA (legal, accounting, or otherwise), it is assumed that these professionals will abide by the professional ethics of their particular profession.

### **1-IV-B. PURPOSE**

This Code of Ethics establishes standard for employee conduct that will assure the highest level of public service. Recognizing that compliance with any ethical standards rests primarily on personal integrity, and also recognizing in general the integrity of employees, it nevertheless sets forth those acts or omissions of acts that could be deemed injurious to the general mission of SNRHA.



### **I-IV-C. DEFINITIONS**

“Agent” shall mean any employee of SNRHA (whether full or part time) acting in his or her official capacity as an agent of SNRHA .

“Claim” shall mean any demand, written or oral, made upon the Authority to fill an obligation arising from law or equity.

“Contract” shall mean any obligation to do something arising from an exchange of promises of consideration between persons, regardless of the particular form in which it is stated.

“Conventional” shall mean those housing programs operated by SNRHA, which are part of the “conventional public housing program.” This shall include but not be limited to such programs as public housing developments and management, the Capital Fund, or other grants specifically made in support of public housing.

“Employee” shall mean any person appointed or hired, whether full or part-time. “Enrollee” shall mean any applicant, resident, or program participant in any program operated by SNRHA. Specifically, an “enrollee” shall be a person who expects to receive, or is receiving some form of assistance from SNRHA.

“Family” shall mean the spouse, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or a person living in a stable family relationship.

“Interest” shall mean a benefit or advantage of an economic or tangible nature that a person or a member of his or her family would gain or lose as a result of any decision, or action or omission to decide or act, on the part of SNRHA, its Board , or employees.

“Leasing program” shall mean those programs operated by SNRHA that are within the HUD-funded Section 8 tenant-based voucher program and Section 8 Community-Based Program. (Unless otherwise noted, the provisions contained herein shall apply equally to both the “Leasing” and the “Conventional” programs of SNRHA.

“Non-Federally Assisted” shall mean those programs operated by SNRHA outside the conventional public housing and Section 8 leased housing programs.

“Person” shall mean any individual, corporation, partnership, business entity, association, or organization, and may include an SNRHA employee.

“Public Information” shall mean information obtainable pursuant to the Freedom of Information Act and any SNRHA guideline adopted pursuant thereto.

### **I-IV.D. ETHICAL STANDARDS FOR EMPLOYEES**

No employee of SNRHA shall have any employment, engage in any business or commercial transactions, engage in any professional activity, or incur any obligations in which directly or



indirectly he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her official duties or that would be in conflict with the performance of his or her official duties.

No employee shall have or enter into any contract with any person who has or enters into a contract with SNRHA unless:

- The contract between the person and SNRHA is awarded pursuant to Competitive bidding procedures and/or purchasing policies as outlined in regulations promulgated by the U.S. Department of Housing and Urban Development (HUD), state law, and the SNRHA Procurement Policy; or
- The Contract between the person and SNRHA is one in which the SNRHA employee has no interest, has no duties or responsibilities, or if the contract with the person is one into which the SNRHA employee entered prior to becoming an employee.
- Any second job, whether part-time or full-time must be reported in writing to the Human Resources Department and the head of the department for which the employee is working, prior to accepting outside work. HR shall determine if a conflict is imminent and notify the employee and the head of the employee's department.
- There shall be no preferential treatment given by an employee of SNRHA, acting in performance of his or her official duties to any person, agency or organization.
- No SNRHA employee shall use or permit the use of SNRHA-owned vehicles, equipment, materials, or property for the convenience or profit of himself, or of any other person. However, this provision shall not apply in the case of usage for diminutive purposes, i.e. purposes which in and of themselves should not be counted as abuse of SNRHA property.
- No SNRHA employee shall solicit any gift or consideration of any kind, nor shall any SNRHA employee accept or receive a gift having value in excess of \$50.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before SNRHA .
- No SNRHA employee, acting individually, can bind SNRHA by any action or verbal representation, unless such employee, acting in his or her official capacity, has been specifically delegated the authority to so bind the agency.
- No SNRHA employee shall disclose without proper authorization non-public information or records concerning any aspect of the operations of SNRHA , nor shall he or she use such information to the advantage or benefit of himself, herself, or any other person.
- This shall include records maintained on applicants, residents, participants, or enrollees of SNRHA for whom a properly executed release of information among government agencies or government regulations allowing the release of information among government agencies or agencies receiving government subsidy, shall be done following prescribed methods of requesting and transmitting such information, and shall be done with the full knowledge of the enrollee except in those cases where through such action of law the enrollee's knowledge is not required.

No SNRHA employee currently employed shall represent any person, other than himself, in business negotiations or procedures, to which SNRHA may be a party.

No former employee of SNRHA shall personally represent any person in a manner in which the former employee personally participated while employed by SNRHA for one year, if such representation would be adverse to the interest of the Authority. This provision shall not, however, bar the timely filing by a current or former employee, of any claim, account, demand, or suit arising out of personal injury, property damage, or any benefit authorized or permitted by law.





No SNRHA employee shall have an interest in a contract between any person and SNRHA, except this provision shall not apply if the contract was entered into prior to the employee being hired by SNRHA, the employee discloses his or her interest in the contract prior to the employment, and after becoming employed the employee has no power to authorize or approve payment under the contract, monitor performance or compliance under the contract, or audit bills or claims under the contract and the compensation of the employee will not be affected by the contract. This shall not preclude employees from participating as vendors under the Housing Choice Voucher Program. However, security measures will be put in place to ensure the employee vendors have no contact with their participants' files or any other records related to the Housing Assistance Payment (HAP) Contract or payments related to said contracts.

No SNRHA employee shall have any employment, engage in any business or commercial transaction, or engage in any professional activity in which, directly or indirectly, he or she would have an interest that would impair his or her independence of judgment or action in the performance of his or her duties with SNRHA or that would be in conflict with his or her duties at SNRHA.

No employee of SNRHA shall discuss, vote upon, decide or take part in (formally or informally) any matter before SNRHA in which he or she has a personal interest. Exceptions shall be made in the case of an employee whose interest in the matter is minimal (e.g. an employee helping decide on a new telephone system owns 100 shares of stock in a telephone company), provided the employee shall fully and specifically describe his or her interest, in writing, and the underlying basis of it, whether it be ownership, investment, contract, claim; employment or family relationship, to his or her immediate supervisor prior to the employee's participation. If, in the opinion of the supervisor, there is any question as to whether the interest is minimal, the matter shall be referred to the Executive Director for a binding decision on the question.

No employee shall have the authority (stated, implied, or apparent) to obligate, or impose any legally binding obligations, contracts, or agreements upon SNRHA, without SNRHA's express permission and consent. Any matter decided on, contracted, adjudicated, or in any way acted upon by an employee, who does not disclose a personal interest either in the matter, or in any person or organization having an interest in the matter, may be rescinded and rejected by SNRHA. Such a matter may be referred to the Executive Director to render judgment and assess any penalties as necessary and appropriate.

If the Executive Director renders judgment that a matter was performed, a contract entered into, or any matter was conducted, decided or acted upon in a manner prohibited by the Code of Ethics, he/she may then propose, among other things, that the Board of Commissioners seek an injunction against the proscribed action.

#### **I-IV.E. ENFORCEMENT OF ETHICS STANDARDS**

Matters covered here or related shall be enforced. Any violation of this policy may be cause for discipline up to and including termination.



## **Southern Nevada Regional Housing Authority**

### **Notice of Occupancy Rights Under the Violence Against Women Act<sup>1</sup>**



#### **To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Southern Nevada Regional Housing Authority (SNRHA) is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

#### **Protections for Applicants**

If you otherwise qualify for assistance under SNRHA, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

#### **Protections for Tenants**

If you are receiving assistance under SNRHA, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under SNRHA solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

#### **Removing the Abuser or Perpetrator from the Household**

SNRHA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If SNRHA chooses to remove the abuser or perpetrator, SNRHA may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, SNRHA must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

<sup>1</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

In removing the abuser or perpetrator from the household, SNRHA must follow Federal, State, and local eviction procedures. In order to divide a lease, SNRHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, SNRHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, SNRHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

**(2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

SNRHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

SNRHA's emergency transfer plan provides further information on emergency transfers, and SNRHA must make a copy of its emergency transfer plan available to you if you ask to see it.

### **Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

SNRHA can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from SNRHA must be in writing, and SNRHA must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. SNRHA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to SNRHA as documentation. It is your choice which of the following to submit if SNRHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by SNRHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that SNRHA has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, SNRHA does not have to provide you with the protections contained in this notice.

If SNRHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms 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 abuser or perpetrator), SNRHA has the right to request that you provide third-party documentation within thirty (30) calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, SNRHA does not have to provide you with the protections contained in this notice.

### **Confidentiality**

SNRHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

SNRHA must not allow any individual administering assistance or other services on behalf of SNRHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

SNRHA must not enter your information into any shared database or disclose your information to any other entity or individual. SNRHA, however, may disclose the information provided if:

- You give written permission to SNRHA to release the information on a time limited basis.
- SNRHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires SNRHA or your landlord to release the information.

VAWA does not limit SNRHA's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, SNRHA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if SNRHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If SNRHA can demonstrate the above, SNRHA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **U.S. HUD San Francisco Regional Office – Region IX; One Sansome Street, Suite 1200; San Francisco, California 94104-4430.**

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at 24 CFR Parts 5, 91, 880, et al. Additionally, SNRHA must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **SafeNest by calling (702) 877-0133.**

For help regarding an abusive relationship, you may call the **National Domestic Violence Hotline at 1-800-799-7233** or, for persons with hearing impairments, **1-800-787-3224 (TTY)**. You may also contact **SafeNest by calling (702) 877-0133.**

For tenants who are or have been victims of stalking seeking help may visit the **National Center for Victims of Crime's Stalking Resource Center** at <https://www.victimsofcrime.org/our-programs/stalking-resource-center> .

For help regarding sexual assault, you may contact **SafeNest by calling (702) 877-0133.**

Victims of stalking seeking help may contact **SafeNest by calling (702) 877-0133.**

**Attachment:** HUD-5382 form: "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation."



**Southern Nevada Regional Housing Authority  
Housing Choice Voucher (HCV)  
Project Based Voucher (PBV)  
Rental Assistance Demonstration (RAD) Program**



**Emergency Transfer Plan  
for  
Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

### **Emergency Transfers**

Southern Nevada Housing Authority (SNRHA) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> SNRHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup>

The ability of SNRHA to honor such request for tenants currently receiving assistance,, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether SNRHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that Southern Nevada Regional Housing Authority is in compliance with VAWA.

### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

<sup>1</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

To request an emergency transfer, the tenant shall notify SNRHA's management office and submit a written request for a transfer. **SNRHA** will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under SNRHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

Southern Nevada Regional Housing Authority will keep confidential any information the tenant submits when requesting an emergency transfer; and information about the emergency transfer, unless the tenant gives SNRHA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program.

This includes keeping the new location of the dwelling unit of the tenant confidential, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the 'Notice of Occupancy Rights under the Violence Against Women Act' for more information about SNRHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer, Timing, and Availability**

Southern Nevada Regional Housing Authority cannot guarantee a transfer request will be approved or how long it will take to process a transfer request. SNRHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

Families currently residing in PBV/RAD (Project Based/Rental Assistance) properties who are requesting an emergency transfer in accordance with the Violence Against Women Act (VAWA), and have completed and submitted the HUD 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation" form along with any other requested documentation from SNRHA (i.e. Police Report, Temporary Protection Order, etc.) may be eligible for an HCV Mobility Voucher, if available. If not available, SNRHA will look for other units within PBV/RAD properties for the family to be relocated.

### **Emergency Transfers: Housing Choice Voucher (HCV) Program**

*Tenant Based Assistance:* If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, SNRHA will assist you to move to a safe unit quickly using your existing HCV assistance. SNRHA will make exceptions to program regulations restricting moves as required.

At your request, SNRHA will refer you to organizations that may be able to further assist you.

*Project-Based Voucher (RAD-PBV) Assistance:* If you are assisted under the PBV program, you may request an emergency transfer under the following programs for which you are not required to apply:



If you have lived in your RAD-PBV unit for less than one (1) Year:

- RAD-PBV assistance in the same project (if a vacant unit is available and you determine the vacant unit is safe.)

If you have lived in your RAD-PBV unit for one (1) year or more:

- Housing Choice Voucher: If you have lived in your RAD-PBV unit for one (1) year or more, and if a Housing Choice Voucher is available, SNRHA will issue you an HCV voucher under this provision.

SNRHA will assist you in identifying other housing providers who may have safe and available units to which you could move and local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking (attached to this plan) in the following circumstances:

- If you seek to move sooner than a Housing Choice Voucher will be available; or
- If SNRHA cannot offer you other assistance (because you have not lived in your RAD-PBV unit for one (1) year or more); or
- Another safe RAD-PBV unit is not immediately available.

If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. SNRHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If SNRHA has no safe and available units for which a tenant who needs an emergency is eligible, SNRHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, SNRHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/> .

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.



**Attachment:** Below are local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

Safe Nest (Administrative Offices) (Provides Temporary assistance for domestic crisis.)  
2915 W. Charleston Blvd.,  
Las Vegas, NV 89102  
(702) 877-0133

**Hotlines:**

Safe Nest (Domestic Violence Hotline)  
(702) 646-4981

S.A.F.E. House Domestic Violence  
(702) 564-3227 – Hotline

Rape Crisis Hot Line  
1 (888) 366-1640

Clark County Child Abuse/Neglect Hotline  
(702) 399-0081

**Shelters:**

Catholic Charities  
1501 N. Las Vegas Blvd.  
Las Vegas, NV 89101  
(702) 382-0721

Rescue Mission  
480 W. Bonanza  
Las Vegas, NV 89106  
(702) 382-1766

Shade Tree (Women, Children, & pets only)  
1 W. Owens  
North Las Vegas, NV 89030  
(702) 385-0072



## **Southern Nevada Regional Housing Authority**



**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: \_\_\_\_\_

2. Name of victim: \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_  
\_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and time(s) of incident(s) (if known): \_\_\_\_\_  
\_\_\_\_\_

9. Location of incident(s): \_\_\_\_\_

<p>In your own words, briefly describe the incident(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.