

Wilmington Housing Authority
321 E. 11th Street
Wilmington, DE 19801
(302) 429-6700



**HOUSING CHOICE VOUCHER
PROGRAM**

ADMINISTRATIVE PLAN

Effective April 1, 2026

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INTRODUCTION

STATEMENT OF PURPOSE

The Wilmington Housing Authority (WHA) receives its funding for the Housing Choice Voucher (HCV) program from the U. S. Department of Housing and Urban Development. WHA is not a federal department or agency, it is a local governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. WHA enters into an Annual Contributions Contract with HUD to administer the program requirements on behalf of HUD. WHA ensures compliance with federal laws, regulations and notices and establishes policy and procedures to clarify federal requirements and to ensure consistency in program operation.

The Administrative Plan establishes policies for functions and operations that are not governed by Federal regulations for the Housing Choice Voucher Program and other special programs administered by the Authority. Policies related to the Authority's Family Self Sufficiency (FSS) Program are included in a separate document, the FSS Action Plan, and are not part of this document.

ORGANIZATION AND STRUCTURE OF WHA

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the Wilmington Housing Authority for the jurisdiction of the City of Wilmington, Delaware.

The officials of WHA 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 WHA conducts business, ensuring that policies are followed by WHA staff and ensuring that WHA is successful in its mission. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability.

Formal actions of WHA are taken through written resolutions, adopted by the board of commissioners at a properly called public meeting and entered into the official records of WHA. Only WHA's Board of Commissioners is authorized to approve changes to the Plan. The Authority is responsible for complying with all subsequent changes in HUD regulations pertaining to the programs administered by the Authority.

By the adoption of this Administrative Plan, the Board of Directors authorizes the WHA to make HUD-authorized charges (see 24 CFR § 982.155) against the administrative fee reserve.

WHA staff shall develop (and revise when needed) operating procedures, systems, forms and methods designed to ensure that the policies set forth in this Administrative Plan are administered correctly, fairly and uniformly by all program staff. The principal staff member of WHA 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 commissioners and delegates the responsibility for hiring, training and supervising the remainder of WHA's staff to manage the day-to-day operations of WHA in 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.

WHA MISSION STATEMENT

The Wilmington Housing Authority's mission is to provide well-maintained, decent and safe housing in a professional, efficient, and fiscally responsible manner.

HCV PROGRAMS

The following programs are included under this administrative plan:

1. Housing Choice Voucher (HCV) Program
2. The Family Self-Sufficiency (FSS) Program
3. HUD Veterans Affairs Supportive Housing (VASH) Vouchers
4. Single Room Occupancy (SRO)
5. Mainstream

OBJECTIVES OF THE HOUSING CHOICE VOUCHER PROGRAM

WHA's objective in administering the Housing Voucher programs is to provide decent, safe and sanitary affordable housing to low-income Families otherwise unable to obtain adequate housing. The number of Families served is limited by the number of vouchers and funding available, WHA's budget and the availability of adequate housing.

The Section 8 Program provides participating Families with greater choice of housing opportunities by subsidizing rental payments to private Landlords. Through this program, WHA helps low-income Families obtain quality housing in Wilmington.

Through program administration, WHA shall:

1. ensure eligibility and correct family share of rent for participating Families;
2. ensure Housing Quality Standards are enforced;
3. ensure no more than reasonable rents are paid for all units under contract in the Section 8 Program;
4. offer all current and future Section 8 Program Families counseling and referral assistance on the following priority basis:
 - a. all Section 8 Families residing in a unit in which payment to the Landlord is abated because of a failed inspection; and
 - b. all other Section 8 Families.
5. make every effort to assist a substantial percentage of its Section 8 Families to find units in low-poverty neighborhoods;

COMMITMENT TO ETHICS AND SERVICE

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.

- Provide decent, safe, and sanitary housing – in 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 opportunities that address educational, socio-economic, recreational and other human service’s needs.
- Promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program that maintains quality service and integrity while providing an incentive to private property owners to rent to 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 WHA’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 WHA’s support systems and commitment to our employees and their development.
- WHA 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.

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 at Title 24 of the Code of Federal Regulations, Part 982 were established by the U.S. Department of Housing and Urban Development based upon the 1937 Housing Act. WHA is afforded choices in the operation of the program that are included in WHA’s administrative plan, a document adopted by the board of commissioners of WHA.

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

When a family is determined to be eligible for the program and funding is available, WHA issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, WHA 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. WHA continues to make payments to the owner if the family is eligible and the housing unit continues to qualify under the program.

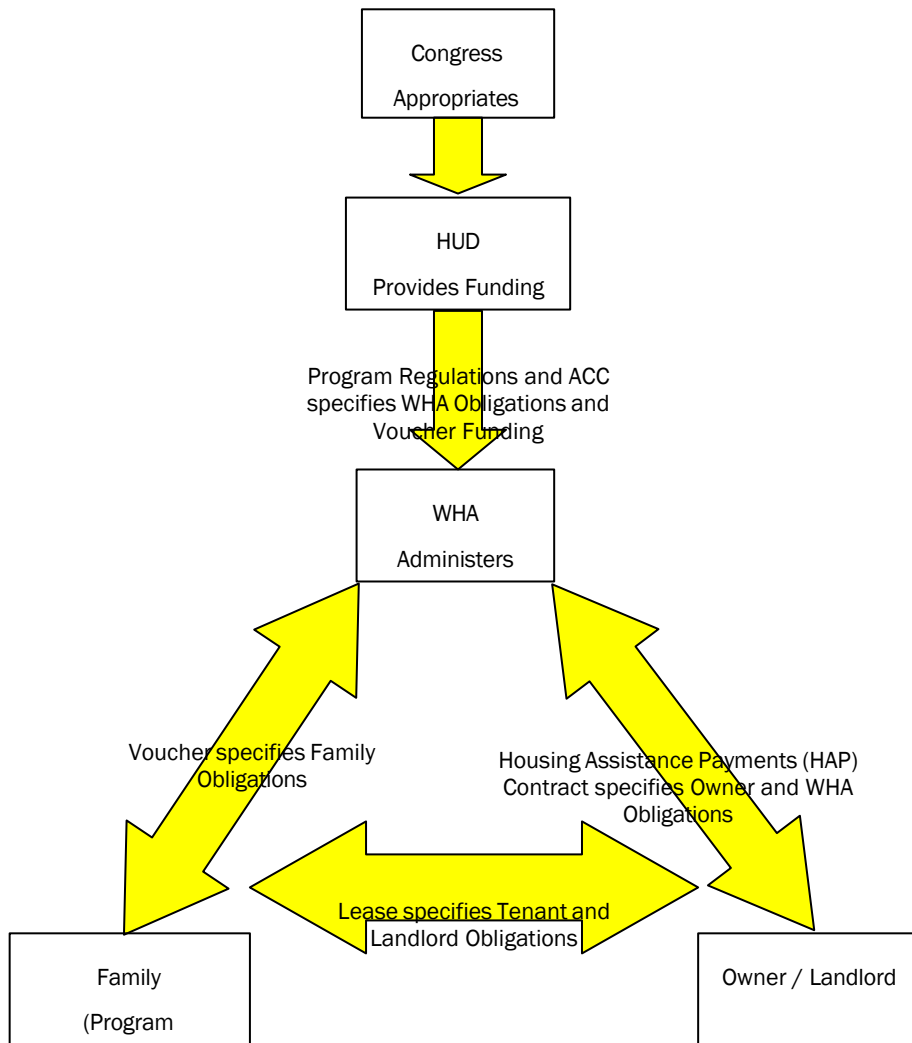
HCV PARTNERSHIPS

To administer the HCV program, WHA enters into a contractual relationship with HUD. WHA 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, WHA, 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 to participate in the program.

The chart on the following page illustrates key aspects of these relationships.

HCV Relationships:



What does HUD do?

HUD has the following major responsibilities:

1. Develop regulations, requirements, handbooks, notices and other guidance to implement HCV housing program legislation passed by Congress;
2. Allocate HCV program funds to PHAs;
3. Provide technical assistance to PHAs on interpreting and applying HCV program requirements;
4. Monitor WHA compliance with HCV program requirements and WHA performance in program administration.

What does WHA do?

WHA administers the HCV program under contract with HUD and has the following major responsibilities:

1. Establish local policies;
2. Review applications from interested applicant families to determine whether applicants are eligible for the program;
3. Maintain waiting list and select families for admission;
4. Issue voucher to selected family and, if necessary, assist the family in finding a place to live;
5. Conduct outreach to owners, with special attention to owners outside areas of poverty or minority concentration;
6. Approve the rental unit (including assuring compliance with housing quality standards and rent reasonableness), the owner, and the tenancy;
7. Make housing assistance payments to the owner in a timely manner;
8. Ensure that families and their rental units continue to qualify under the program;
9. Ensure that owners and families comply with program rules;
10. Provide families and owners with prompt, professional service;
11. Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, WHA's administrative plan, and other applicable federal, state and local laws.

What does the Owner do?

The owner has the following major responsibilities:

1. Screen families who apply for tenancy, to determine if they will be good renters.
 2. WHA can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.
 3. 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 engaged in drug-related or violent criminal activity.
 4. Comply with the terms of the Housing Assistance Payments contract, executed with WHA;
 5. Comply with all applicable fair housing laws and discriminate against no member of a protected class;
 6. Maintain the housing unit by making necessary repairs in a timely manner;
 7. 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:

1. Provide WHA with complete and accurate information, determined by WHA to be necessary for administration of the program;
2. Make their best and most timely efforts to find a place to live that is suitable for them and that qualifies for the program;
3. Cooperate in attending all appointments scheduled by WHA;
4. Allow WHA to inspect the unit at reasonable times and after reasonable notice;
5. Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the family;
6. Comply with the terms of the lease with the owner;
7. Comply with the family obligations of the voucher;
8. Not commit serious or repeated violations of the lease;
9. Not engage in drug-related or violent criminal activity;
10. Notify WHA and the owner before moving or terminating the lease;
11. Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit, assign the lease, or have any interest in the unit;
12. Promptly notify WHA of any changes in family composition;
13. Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination on the basis of Disability
- 24 CFR Part 100: Fair Housing
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 983: Section 8 Project-based Assistance
- 24 CFR Part 985: Section 8 Management Assessment Program

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 programs in a manner consistent with HUD requirements and local goals and objectives contained in WHA's agency plan. This administrative plan is a supporting document to WHA agency plan and is available for public review as required by CFR 24 Part 903.

This administrative plan defines WHA's local policies for operation of the housing programs in the context of federal laws and regulations. All issues related to Section 8 not addressed in this document are governed by federal regulations, HUD 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.

WHA 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 WHA staff shall be in compliance with WHA's personnel policy and HUD's Section 8 regulations as well as all federal, state and local fair housing laws and regulations.

FAIR HOUSING AND EQUAL OPPORTUNITY

NON-DISCRIMINATION

Federal laws require PHAs to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing based on race, color, religion, sex, national origin, age, familial status, sexual orientation, gender identity, marital status, and disability. WHA 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:

1. Title VI of the Civil Rights Act of 1964
2. 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).
3. Executive Order 11063
4. Section 504 of the Rehabilitation Act of 1973
5. The Age Discrimination Act of 1975
6. Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern).
7. Violence Against Women Act Reauthorization
8. Affirmatively Furthering Fair Housing requirements
9. Equal access to housing in HUD programs regardless of Sexual Orientation or Gender Identity.

10. When more than one civil rights law applies to a situation, the laws will be read and applied together.
11. Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

No person will be excluded from participating in, denied the benefits of, or be otherwise subjected to discrimination under WHA's HCV program based on their membership in a protected class.

WHA will not:

1. Deny to any family the opportunity to apply for housing, or deny to any eligible applicant the opportunity to lease any such housing suitable to its needs;
2. Provide housing that is different than that provided others;
3. Subject a person to segregation or disparate treatment;
4. Restrict a person's access to any benefit enjoyed by others in connection with the public housing program or property;
5. Treat a person differently in determining eligibility or other requirements for admission;
6. Deny a person access to the same level of services; or
7. Deny a person the opportunity to participate in a planning or advisory group, which is an integral part of the HCV program.
8. Discriminate in the provision of residential real estate transactions
9. Discriminate against someone because they are related to or associated with a member of a protected class
10. 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.

WHA will not automatically deny admission to a particular group or category of otherwise eligible applicants (e.g. unwed mothers, families with children born out of wedlock, elderly pet owners or families whose head or spouse is a student). Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine.

PROVIDING INFORMATION TO FAMILIES AND OWNERS

WHA will take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, WHA provides information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods. 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, sexual orientation, gender identity, marital status, or disability in connection with the contract.

DISCRIMINATION COMPLAINTS

Applicants or participants who believe that they have been subject to unlawful discrimination may notify WHA either orally or in writing. WHA will attempt to remedy discrimination complaints made against WHA. WHA will provide a copy of a discrimination complaint form and provide applicants and/or participants with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

REASONABLE ACCOMMODATION

WHA will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity for all. In accordance with federal and state anti-discrimination laws, WHA will make such procedural, administrative, location, or physical changes to its property as required to reasonably accommodate people with disabilities. The Authority will inform participants and/or applicants of their right to request a reasonable accommodation and process requests received in accordance with applicable regulations and/or WHA policies.

Before providing an accommodation, WHA must determine that the person meets the definition of a person with a disability, the type of accommodation is needed to provide the person with the disability full access to WHA's programs and services, and that there is an identifiable relationship between the requested accommodation and the individual's disability.

If a person's disability is obvious or otherwise known to WHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required.

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known, WHA must verify that the person meets the definition of a person with a disability and that the limitations imposed by the disability require the requested accommodation. To begin this process, the applicant or participant must first make a written request for reasonable accommodation¹ on a form provided by WHA that contains the federally approved definition of disability. Upon request, staff will assist with preparing the written form. The information requested on the form is as follows:

1. Name of the household member with a disability;
2. The specific change in WHA policy, procedure, rule, or way the department communicates with the family.
3. The specific accommodation that is needed; and,
4. The name of healthcare provider or medical practitioner that can verify that the individual meets the definition of an "individual with a disability" and that the requested accommodation is needed because of the disability
5. Staff will not require or assume a specific type of an accommodation. WHA will provide such accommodations in accordance with the prescribed details included in the certification received from third party verification.

¹ Or other type of request needed because of the disability.

6. WHA will not assume or allow the participant to deviate from that prescribed by the certifying entity. After a request for an accommodation is presented and verified, WHA will make an effort to render a decision within 30 days. To expedite processing staff will let the applicant or resident know if more information is needed or if WHA would like to discuss other ways to meet the need. If WHA denies a request for an accommodation because the request would impose an undue financial and administrative burden or the requested accommodation, represents a fundamental alteration in the nature of WHA's program, WHA will notify the applicant or participant of the decision and of their right to request an informal hearing.
7. To provide such accommodations WHA will NOT:
 - a. Take any action that would result in a fundamental alteration in the nature of the program or service (including the obligation to comply with HUD requirements and regulations); or
 - b. Take any action that would result in an undue financial and administrative burden on the Authority.
8. Examples of reasonable accommodations include, but are not limited to: 24 CFR § 8.4
 - a. Making alterations to a WHA office or administrative facility to make it fully accessible so it could be used by a family member with a wheelchair;
 - b. Permitting applications and reexaminations to be completed by mail when it is difficult for people with disabilities to come to WHA offices;
 - c. Conducting home visits instead of requiring applicants and participants to come to WHA offices;
 - d. Using higher payment standards (either within the acceptable range, as an exception to the current payment standard up to 120 percent of the HUD Fair Market Rent) if the WHA determines this is necessary to enable a person with disabilities to obtain a housing unit equivalent to those available to families without disabled members;
 - e. Providing time extensions to locate a unit when needed because of lack of accessible units or special challenges of the family in seeking a unit;
 - f. Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with WHA staff;
 - g. Displaying posters and other housing information in locations throughout WHA's office in such a manner as to be easily readable from a wheelchair;
 - h. Permitting a participant to move from an apartment that cannot be made accessible to an apartment that is or can be made accessible, even when most moves are not permitted;
 - i. Widening the door of a WHA-owned public restroom so a person in a wheelchair may use the facility;
 - j. Intervening with a landlord so that he/she will permit a participant with a disability to make unit modifications as permitted by the Fair Housing Act.

- k. Making sure that WHA processes are understandable to applicants and residents with sensory or cognitive impairments, including but not limited to: 24 CFR § 8.6
 - 1) Making large type documents, Braille documents, cassettes or a reader available to an applicant or resident with a vision impairment during interviews or meetings with WHA staff;
 - 2) Making a sign language interpreter available to an applicant with a hearing impairment during interviews or meetings with WHA staff;
 - 3) Permitting an applicant or resident to be accompanied or represented by a family member, friend or advocate at all meetings and interviews with WHA if the individual desires such representation;
 - 4) Permitting an outside agency or individual to assist an applicant with a disability to meet the WHA's applicant screening criteria.

ACCESSIBILITY AND USER FRIENDLY LANGUAGE/COMMUNICATION

WHA's policies concerning physical accessibility are readily available to applicants and participants. WHA complies with a variety of regulations pertaining to physical accessibility, including the following:

1. PIH 2002-01 (HA), Accessibility Notice
2. Section 504 of the Rehabilitation Act of 1973
3. The Americans with Disabilities Act of 1990
4. The Architectural Barriers Act of 1968
5. The Fair Housing Amendments Act of 1988

Documents and procedures used by applicants and residents will be accessible for those with vision, hearing or other sensory impairments. 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 that communication is understandable by persons with disabilities are described in the Procedure on Civil Rights and Disability Rights. 24 CFR § 8.6

When issuing a voucher to a family that includes an individual with disabilities, WHA will include a current list of available accessible units known to WHA 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 that the unit be restored to its original state at the family's expense when the family moves.

Documents intended for use by applicants and participants must be presented in fully accessible formats for those with vision or hearing impairments. Equally important, they should be written simply and clearly to enable all applicants' access to the information provided therein.

At the point of initial contact WHA staff must ask all applicants whether they need to communicate in other than the English language. Some alternatives might include sign

language interpretation, having materials explained orally by staff, either in person or by phone, large print materials, information on tape, and having someone (friend, relative or advocate) accompany the applicant to receive, interpret and explain housing materials, and TDD.

Applicants who read or understand little English may bring an interpreter. In the event the applicant does not have access to an interpreter, WHA will provide assistance in locating an interpreter.

At a minimum the following information should always be prepared in an easy to read user-friendly format:

1. Marketing and informational materials;
2. Information about the application process;
3. The application form;
4. All form letters, notices;
5. General statement about reasonable accommodation;
6. Orientation materials;
7. The lease and house rules;
8. Guidance or instructions about care of the housing unit;
9. Information about opening, updating or closing the waiting list; and,
10. All information related to applicant and participant rights (to hearings, etc.).

An applicant family that has a member with a disability must still be able to meet essential obligations of tenancy. They must be able 24 CFR § 8.3

1. to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
2. to care for and avoid damaging the unit and common areas;
3. to use facilities and equipment in a reasonable way;
4. to create no health, or safety hazards, and to report maintenance needs;
5. not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
6. not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
7. to comply with necessary and reasonable rules and program requirements of HUD and the PHA.

There is no requirement that members with a disability be able to do these things without assistance. If an applicant or resident family member needs assistance with one of the essential obligations of tenancy, PHA will, as a reasonable accommodation, make a referral to an individual or agency that can provide such assistance. 24 CFR § 8.20

DENIAL OR TERMINATION OF ASSISTANCE WHEN A FAMILY INCLUDES AN INDIVIDUAL WITH A DISABILITY

WHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation.

When applicants with disabilities are denied assistance, the notice of denial informs them of WHA's informal review process and their right to request a hearing. In addition, the notice informs applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process.

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, WHA will determine whether the behavior is related to the disability. If so, upon the family's request, WHA will determine whether alternative measures are appropriate as a reasonable accommodation. WHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance.

When a participant family's assistance is terminated, the notice of termination informs them of the informal hearing process and their right to request a hearing and reasonable accommodation.

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

PROVIDING INFORMATION IN LANGUAGES OTHER THAN ENGLISH FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

For persons with Limited English Proficiency (LEP), language 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 that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin.

PHA 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 or LEP.

PHA's Procedure on Communication with Persons with Limited English Proficiency describes the specific methods PHA will use to accomplish this policy.

1. All forms, written materials and recorded voice-mail messages used to communicate with prospective applicants, applicants and residents shall be available in any language spoken by the lower of 1000 eligible families or five percent of the eligible population of the PHA's jurisdiction. This includes documents related to intake, marketing, outreach, certification, reexamination and inspections.

2. Applicants and residents with low English comprehension may furnish an interpreter to assist in communication with PHA. When an applicant or resident needs interpretation services and a staff member of the Authority speaks the language needed, the staff member will provide translation services.
3. In a courtroom, a hearing, or situations in which health, safety, or access to important benefits and services are at stake, the PHA will generally offer, or ensure that the family is offered through other sources, competent services free of charge to the LEP person.
4. The PHA will provide written translations of other vital documents for each eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served. Translation of other documents, if needed, can be provided orally.

WAITING LIST MANAGEMENT

APPLYING FOR ASSISTANCE

STATE OF DELAWARE CENTRALIZED WAITING LIST

The Wilmington Housing Authority (WHA) is collaborating with Delaware State Housing Authority (DSHA), Dover Housing Authority (DHA), New Castle County Housing Authority (NCCHA), and Newark Housing Authority (NHA) to jointly implement the Section 8 Centralized Waitlist System under Delaware Housing Access Association (DHAA) as a nonprofit centralized administrator. Administrative tasks and Waiting List Management will be primarily delegated to Affordablehousing.com as an IT Vendor, utilizing Revo List software.

Depending upon the length of time that the applicant may need to wait to receive assistance, the PHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the PHA 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 the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list. Families may obtain application forms from the following website: <https://delaware.affordablehousing.com>.

Families may also request – by telephone or by mail – that an application be mailed to them via mail.

To submit a paper-based application applicants must fill out the following:

Fully complete the application form and waiting list checklist to indicate which programs/properties an applicant would like to apply for, including the PHA.

Applicants can download a copy of the pre-application or request one be sent to you by calling

855-301-5920 or email delaware@affordablehousing.com. To update an application that has already been submitted to the waiting list, applicants must visit www.affordablehousing.com/update. If applicants previously applied to the PHA, they can access your existing application by creating a new account. Additionally, they can complete an update form and send it back to DHAA for processing.

If applicants require any other reasonable accommodation to submit their applications, they must reach out to the PHA office for assistance. Applications can be made using any device that accesses the internet, for example computers, mobile phones and tablets, or at any public place offering access to computers such as libraries, community centers, etc. If requested as a reasonable accommodation, WHA staff will be available to assist persons with disabilities to get their application submitted. For technical assistance or for general questions about applications, applicants must contact our partner, AffordableHousing.com at 855-301-5920 or email delaware@affordablehousing.com (translators available). If applicants fail to respond to any requests made by the PHA or AffordableHousing.com (on behalf of PHAs), your name will be removed from the waiting list without any further notice.

To update an application that has already been submitted to the waiting list, please visit www.affordablehousing.com/update. If you previously applied to the PHA you can access your existing application by creating a new account. You can also complete an update form and send it back to DHAA for processing:

- By Fax to 561-416-9848
- By email to delaware@affordablehousing.com
- By mail to the PHA

PLACEMENT ON THE WAITING LIST

Applicants will submit a pre-application on delaware.affordablehousing.com. Applicants will be placed on the waiting list according to the date and time the complete application is received by the PHA. The pre-application will be received by participating housing authorities electronically. Once received, the application will be automatically reviewed for eligibility to be placed on the waiting list. A final determination of eligibility will be made when the family is selected from the waiting list.

To submit a paper-based application: fully complete the application form and waiting list checklist to indicate which programs/properties you want to apply for. You can download a copy of the pre-application and checklist from delaware.affordablehousing.com, or request one be sent to you by calling 855-301-5920 or email delaware@affordablehousing.com

Ineligible for Placement on the Waiting List

Applicants will automatically be placed on the HCV waiting list. A final determination of eligibility will be made when the family is selected from the waiting list.

Eligible for Placement on the Waiting List

Applicants will submit a pre-application on delaware.affordablehousing.com. Applicants will be placed on the waiting list according to the date and time the complete application is received by the WHA. Once received, the application will be automatically reviewed for eligibility to be placed on the waiting list. A final determination of eligibility will be made when the family is selected from the waiting list.

MANAGING THE WAITING LIST

Organizing the Waiting List

The WHA will maintain a single HCV waiting list. 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 delaware.affordablehousing.com. The HCV waiting list will not be merged with the waiting list for any other program WHA operates. A family's decision to apply for, receive, or refuse other housing assistance does not affect the family's placement on the HCV waiting list or any preferences for which the family may qualify.

Opening and Closing the Waiting List

The waiting list will be closed when the estimated waiting period for housing assistance for applicants on the list reaches 24 months for the most current applicants. If the waiting list has been closed, it cannot be reopened until a notice is published in local newspapers of general circulation, minority media, and other suitable media outlets.

The reopening of the waiting list will be announced at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. It will be published in the Wilmington News Journal and will comply with HUD fair housing requirements, specifying who may apply, and where and when applications will be received.

FAMILY OUTREACH/ AFFIRMATIVE MARKETING

Outreach will be conducted as necessary to ensure that there is sufficient number of applicants on the waiting list to use the HCV resources that the Agency has been allotted.

Because HUD requires a specified percentage of extremely low-income families be served, special outreach may need to be conducted to ensure that an adequate number of such families apply for assistance.

The characteristics of the population being served and the characteristics of the population in the Agency's jurisdiction will be monitored. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved and will comprise of the following:

- Analyzing the housing market area and the populations currently being served to identify underserved populations;
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program;
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class;
- Outreach efforts will be designed to inform qualified families about the availability of assistance under the program. These efforts may include any of the following activities:
 - Submitting press releases to local newspapers, including minority newspapers;
 - Developing informational materials and flyers to distribute to other agencies;
 - Providing application forms to other public and private agencies that serve the low income population;
 - Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities.

Reporting Changes in Family Circumstances

While the family is on the waiting list, the family must immediately inform the Agency of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted via [//Delaware.AffordableHousing.com/Updates](https://Delaware.AffordableHousing.com/Updates)) or other method used by applicants with disabilities.

Purging the Waiting List

The waiting list will be updated as needed to ensure that all applicants and their information remain current and accurate.

Update Process

- Applicants are encouraged to review and update their application at least once each year, and promptly whenever changes occur.
- If an applicant has not updated their application in over one year, they may be contacted by email and/or text message with a reminder to review and update their application.
- On a yearly basis (per the schedule posted on [//Delaware.AffordableHousing.com/Updates](https://Delaware.AffordableHousing.com/Updates)), applicants who have not updated their application in over one year will receive an official notification by email and text message with a deadline to complete an update.

To further ensure the accuracy of the waiting list, AffordableHousing.com, a contracted third-party vendor, will send an update request by first-class mail to each household on the waiting list that has not updated their application in over one year. The notice will be mailed to the last address on record and will:

- Request confirmation of continued interest in the program and updated eligibility information.
- Provide a deadline by which the household must respond.
- State clearly that failure to respond will result in removal from the waiting list.

Applicant Response Requirements

- Responses must be submitted online or in writing and may be returned by mail, email, or fax.
- Responses must be postmarked or received by the affordablehousing.com or WHA no later than **15 business days** from the date of the update request.

Removal from the Waiting List

Non-Response Procedures

- If the applicant does not respond within 15 business days, the household will be removed from the waiting list without further notice.
- If the notice is returned by the U.S. Postal Service with **no forwarding address**, the applicant will be removed from the waiting list without further notice.
- If the notice is returned with a **forwarding address**, the update request will be resent to that address, and the applicant will have 15 business days from the date of re-mailing to respond.

Reinstatement

If an applicant is removed from the waiting list for failure to respond, the WHA may reinstate the applicant if it is determined that:

- The lack of response was due to WHA error, or
- Circumstances beyond the applicant's control prevented a timely response.

ELIGIBILITY CRITERIA

WHA is responsible for ensuring that 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 WHA to confirm eligibility and determine the level of the family's assistance.

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

1. Qualify as a family as defined by WHA.
2. Have income at or below HUD-specified income limits.
3. Qualify based on citizenship or the eligible immigrant status of family members.
4. Provide social security number information for family members as required.
5. Consent to WHA's collection and use of family information as provided for in WHA-provided consent forms.

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

INCOME ELIGIBILITY AND TARGETING

Using Income Limits for Eligibility

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:

- 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;
- 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;
- A low-income or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing.

Income Targeting Requirement

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted from the waiting list to the HCV program during the fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, non-ELI families may be skipped on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act, as well as low-income or moderate-income families admitted to the program that are 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.

WHA 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.

CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

Each family member must declare whether the individual is a citizen, a national, or an eligible non-citizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible non-citizens. For citizens, nationals and eligible non-citizens the declaration must be signed personally by the head, spouse 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. No declaration is required for live-in aides, foster children, or foster adults.

1. U.S. Citizens and Nationals – Citizens and nationals are required to submit only a signed declaration that claims their status unless information is received indicating that an individual’s declaration may not be accurate.
2. Eligible Non-citizens – In addition to providing a signed declaration, those declaring eligible non-citizen status must sign a verification consent form and cooperate with efforts to verify their immigration status. The documentation required for establishing eligible non-citizen 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.
3. Ineligible Non-citizens – Those non-citizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. WHA is not required to verify a family member’s ineligible status and is not required to report an individual’s unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to non-citizen students is prohibited. This prohibition extends to the non-citizen spouse of a non-citizen student as well as to minor children who accompany or follow to join the non-citizen student. Such prohibition does not extend to the citizen spouse of a non-citizen student or to the children of the citizen spouse and non-citizen student. Such a family is eligible for prorated assistance as a mixed family.

4. Mixed Families – A family is eligible for assistance as long as at least one member is a citizen, national, or eligible non-citizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their will be a pro-ration of their assistance, and that they may request a hearing if they contest this determination.
5. Ineligible Families – No individual or family may be assisted prior to the affirmative establishment that the individual or at least one family member is eligible.

If it is determined that an applicant family does not include any citizens, nationals, or eligible non-citizens, following the verification process, the family will be sent a written notice within 10 business days of the determination. The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing. The informal hearing 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.

The following documents will be requested to document the first stage of establishing eligible immigration status:

- Resident Alien Card
- Alien Registration Receipt Card

- Arrival/Departure Record
- Employment Authorization Card
- VA verified application for Health Benefits or
- VA issued photo ID cards

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 admission or terminated for failure to provide the required information and/or documentation.

Each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms, including the “Authorization for the Release of Information” form. This form authorizes the Authority to run criminal background and credit checks on all adult applicants.

Specifically, the form authorizes HUD, the WHA, or the owner responsible for establishing eligibility to:

- 1) Obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
- 2) Verify with previous or former employers or other sources of income information pertinent to the family’s eligibility for or level of assistance;
- 3) Request income information from the Internal Revenue Services (IRS) and the Social Security Administration (SSA) for the sole purpose of verifying income information pertinent to the family’s eligibility or level of benefits;
- 4) Access the applicant’s criminal record with any and all police and/or law enforcement agencies.
- 5) Obtain any financial record from any financial institution, as the terms financial record and financial institution are defined in the Right to Financial Privacy Act (12 U.S.C. 3401), whenever the record is needed to determine an applicant’s or participant’s eligibility for assistance or level of benefits (effective January 1, 2024);

When any person 18 years or older becomes a member of the family or when a member of the family turns 18 years of age, that family member must sign and submit a consent form at the next interim or regularly scheduled income examination. Effective January 1, 2024 in accordance with 24 CFR 5.230(b)(2)(iii), WHA will continue to require families to sign one or more consent forms at the next regularly scheduled income reexamination.

Effective January 1, 2024 in accordance with 24 CFR 5.230 the authorization to release the information requested by consent forms, including the “Authorization for the Release of Information”, will remain effective until the earliest of:

- (i) The rendering of a final adverse decision for an assistance applicant;

- (ii) The cessation of a participant's eligibility for assistance from HUD and WHA; or
- (iii) The express revocation by the assistance applicant or recipient (or applicable family member) of the authorization, in a written notification to HUD or WHA.

Effective January 1, 2024 in accordance with 24 CFR 5.232(c), revocation of consent by the applicant or participant, or any member of the assistance applicant's or participant's family, will result in denial of admission or termination of assistance.

An extension of 30 days will be granted for families to submit evidence of eligible immigrant or citizenship status. Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

VERIFICATION OF LEGAL IDENTITY

Families will be required to furnish verification of legal identity for each household member. Below is a chart that shows the acceptable forms of verification.

Verification of Legal Identity for Adults	Verification of Family Membership
Current, valid driver's license or Department of Motor Vehicles identification card U.S. military discharge (DD 214) U.S. passport Employer identification card VA issued photo identification cards	Certificate of birth Adoption papers Custody agreement Health and Human Services ID School records

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided, a third party who knows the person may attest to the person's identity. The certification must be provided in an acceptable format and be signed in the presence of a WHA representative.

Legal identity will be verified on an as needed basis.

MANDATORY SOCIAL SECURITY NUMBERS

Social Security numbers must be provided as a condition of eligibility for all family members, unless the family member cannot legally obtain a Social Security number. Verifications of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration or other communication from the Social Security Administration to the family that includes the social security number.

If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate.

New family members will be required to produce their Social Security Card or provide the substitute documentation described below together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported.

If an applicant or participant can disclose the Social Security number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect. The applicant or participant family member will have an additional 60 days to provide proof of the Social Security number. If they fail to provide this documentation, the family member must be removed from the household or the family's tenancy will be terminated.

If the family member states that they cannot legally obtain a Social Security number, the family member will be required to sign a certification to this effect.

Acceptable Documents in Lieu of Social Security Card

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register:

- A valid Social Security Card issued by the Social Security Administration.
- An original document issued by a federal or state agency that contains the name of the individual and the SSN of the individual along with other identifying information of the individual; or
- Other evidence of the SSN as HUD may prescribe in administrative instructions.

Social security numbers are verified only once during continuously assisted occupancy. The social security numbers of household members, such as live-in aids, must be verified for the purpose of conducting criminal background checks. If any family member obtains an SSN after admission to the program, the new SSN must be disclosed at the next regularly scheduled reexamination.

When verifying Social Security Numbers (SSN) to homeless veterans and their family members, an original document issued by a federal or state governmental agency, which contains the name of the individual along with other identifying information of the individual, is acceptable in accordance with 24 CFR part 5.216(g).

DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

If an official record of birth or evidence of social security retirement benefits cannot be provided, the family will be required to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification. Age must be verified only once during continuously assisted occupancy.

FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Separation or Divorce

Certification by the head of household is normally sufficient verification. If there are reasonable doubts about separation or divorce, the family will be required to document the divorce, or separation. A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced. A copy of a court-ordered maintenance or other court record is required to document a separation. If no court document is available, documentation from a community-based agency will be accepted.

Family Break-up

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, WHA will determine which family retains their placement on the waiting list, or will continue to receive assistance taking into consideration the following factors:

1. The interest of any minor children, including custody arrangements,
2. The interest of any ill, elderly, or disabled family members,
3. Any possible risks to family members as a result of domestic violence or criminal activity, and
4. The recommendations of social service professionals.

Absence of Adult Member

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

Absent Students

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

Absences Due to Placement in Foster Care

Children temporarily absent from the home because of placement in foster care are considered members of the family. If a child has been placed in foster care, WHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

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.

WHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide determination, the person will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

Return of Permanently Absent Family Members

The family must request approval for the return of any adult family member that WHA has determined to be permanently absent. The individual is subject to eligibility and screening requirements.

Joint Custody of Dependents

Dependents that are subject to joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time.

When more than one applicant or 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. If there is a dispute about which family should claim them, WHA will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes.

Foster Children and Foster Adults

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

Live-In Aides

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

WHA 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. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

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

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

WHA will not approve a particular person as a live-in aide, and may withdraw such approval if:

- The person has committed violent or drug-related criminal activity in the past three years;
- The person has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The person currently owes rent or other amounts to WHA or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

The family will be notified of its decision in writing within 10 business days of receiving a request for a live-in aide, including all required documentation related to the request.

Guests

A guest can remain in the assisted unit no longer than 14 cumulative calendar days during any 12-month period.

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

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 days). An exception

will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

VERIFICATION OF STUDENT STATUS

Families are required to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family claims full-time student status for an adult other than the head, spouse, or co-head, or
- The family claims a childcare deduction to enable a family member to further his or her education.

DOCUMENTATION OF DISABILITY

The existence of a disability must be verified to allow certain income disallowances and deductions from income. Inquiries about the nature or extent of a person's disability; or inquiries about a person's diagnosis or details of treatment for a disability or medical condition are not permitted. If such information is received, it will not be placed in the tenant file. Under no circumstances will a request be made for a participant's medical record(s).

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:

1. Inquiry into an applicant's ability to meet the requirements of ownership or tenancy;
2. 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;
3. 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;
4. Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance, and
5. Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.

Family Members Receiving SSA or SSI Disability Benefits

An attempt will be made to obtain information about disability benefits through the HUD UIV System. If the information is not available through the HUD UIV System, the family may provide an original SSA document that confirms the current benefits.

Verification of receipt of SSA benefits or SSI based upon disability is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions.

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, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

Family Members Not Receiving SSA or SSI Disability Benefits

For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

Documentation of Full-Time College Students of Non-Parental/Guardian Households

WHA shall provide assistance to independent Full-Time College Students of legal age or an emancipated minor under state law that meet the following criteria as stated in PIH Notice 2005-16:

1. Each college student within a household must provide a written/signed certification that the student does or does not anticipate receiving financial support from the student's parent(s) or guardian(s) and the amount of support;
2. The college student must have established a household separate from his/her parents or legal guardians for at least one year prior to applying to housing choice voucher program and must provide evidence of separate households by supplying the address information that predates the student's application by a minimum of one year;
3. The college student must not be claimed as a dependent by parent(s) or legal guardian(s) on their Internal Revenue Services (IRS) tax return; and
4. The college student must be income eligible.

DENIAL OF ASSISTANCE

Assistance will be denied to applicants and their household members in the following cases:

1. Does not meet the eligibility criteria, which includes:
 - a. Having an annual income higher than the Very Low Income limit (and not qualifying as "continuously assisted");
 - b. Having no family member who is either a citizen or an eligible immigrant;
 - c. Refusing to provide social security numbers for family members even though they have such SSNs;
 - d. Refusing to cooperate with verification requirements
2. Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related convictions. An otherwise-eligible family will be admitted if WHA is able to verify that the household member who was convicted has completed an approved supervised drug rehabilitation program, or the person who was convicted of the crime, is no longer living in the household.
3. There is 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. In determining reasonable cause, all credible evidence will be considered,

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.

4. 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.
5. Any household member registered under a state offender registration program; nor is listed as a lifetime sex offender on the Dru Sjodin National Sex Offender Website.
6. History of criminal activity resulting in a conviction within the last three (3) years by any household member involving crimes of physical violence against persons or property and any other criminal activity including, but not limited to, homicide or murder; destruction of property or vandalism; burglary; armed robbery; theft; threats or harassment; assault with a deadly weapon; domestic violence; weapons offenses; criminal sexual assault; home invasion; stalking; kidnapping; terrorism; manufacture, possession, transporting or receiving explosives and violent or drug-related criminal activity and abuse or pattern of abuse of alcohol that would adversely affect the health, safety, and well-being of other residents or staff, or cause damage to the property;
7. Any family member has been evicted from federally-assisted housing in the last five years.
8. Any federally assisted program has ever terminated assistance under the program for any adult member of the family.
9. Any family member has been convicted of fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
10. A family member has engaged in or threatened violent or abusive behavior toward WHA personnel.
11. The family does not provide information that WHA or HUD determines is necessary in the administration of the program.
12. The family does not provide complete and true information.
13. The family owes rent or other amounts to any federally assisted program in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs, unless the family repays the full amount of the debt prior to being selected from the waiting list.
14. If the family has not reimbursed any federally assisted program for amounts the Agency paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list.
15. The family has breached the terms of a repayment agreement entered with the Agency, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.
16. As of January 1, 2024, a family will not be eligible for assistance if either of the following apply:

- a. The family's net assets (as defined in 24 CFR 5.603) exceed \$100,000, as adjusted annually by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, or
- b. The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property (based on laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence. WHA will use 24 CFR 5.618 for exceptions to the real property restriction and to make determinations of whether real property is suitable for occupancy.

In making its decision to deny assistance, WHA will consider the factors discussed above. Upon consideration of such factors, WHA may, on a case-by-case basis, decide not to deny assistance.

WHA will not deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program or the Welfare to Work voucher program.

SCREENING FOR ELIGIBILITY

Screening for eligibility includes obtaining criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program; which assists in complying with HUD requirements and WHA 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 all adult members are required to complete an "Authorization for Release of Information" form. This form authorizes the Authority to run criminal background checks on all adult applicants. An authorized outside contractor performs the check. WHA staff will review the results to determine if the household meets WHA board approved screening criteria. Criminal background checks are destroyed prior to applicants being housed. The "Authorization for Release of Information" form will remain in applicant file.

Criminal background checks are necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided. In addition, a check must be done on the Dru Sjodin National Sex Offender Website.

If assistance is denied based on a criminal record or on lifetime sex offender registration information, the household will be notified of the proposed action and will be provided information on how to obtain a copy of the record. The household will be given an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission.

SCREENING FOR SUITABILITY AS A TENANT

WHA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy; therefore, additional screening will not be conducted to determine an applicant family's suitability for tenancy.

The owner will be informed 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.

Prospective owners will be provided with the family's current and prior address and the name and address (if known) of the owner at the family's current and prior addresses at the time of the initial HQS inspection or before. Any additional information will not be provided to the owner, such as tenancy history, criminal history, etc.

CRITERIA FOR DECIDING TO DENY ASSISTANCE

The concept of the preponderance of the evidence will be used as the standard for making all admission decisions. The following factors will be considered when making a decision to deny assistance:

1. The seriousness of the case, especially with respect to how it would affect other residents;
2. The effects that denial of assistance may have on other members of the family who were not involved in the action or failure;
3. The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities;
4. The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future;
5. 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;
6. The applicant will be required 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.
7. If an adult family member is verified to have an open and unresolved arrest for either violent or drug related criminal activity, the application will be suspended for up to 1 year or until the arrest is resolved by acquittal, dismissal, conviction, or guilty plea. The applicant is responsible for keeping WHA's HCV's Department of the statof all such arrests. If the arrest has not been resolved within a year the applicant will be denied assistance.

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 that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member's current address upon request.

NOTICE OF ELIGIBILITY OR DENIAL

If the family is eligible for assistance, the family will receive an invitation to attend the voucher briefing appointment.

If it is determined that a family is not eligible for the program for any reason, the family will be

notified in writing within 10 business days of the determination. The notice will describe:

- The reasons for which assistance has been denied;
- The family's right to an informal review;
- The process for obtaining the informal review; and
- If a criminal record is the basis of the denial, applicant will be provided information on how to obtain a copy of the record. In addition, a "Criminal Background Record" form will be completed by WHA staff and placed in the applicant's file. The "Authorization for Release of Information" form will remain in the applicant file.

ISSUANCE OF HOUSING CHOICE VOUCHERS

HCV FUNDING SOURCES

Special Admissions: Continuously Assisted Families

HUD may award funding for specific categories of families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, families that are not on the waiting list may be admitted to the program and/or families may be admitted to the program without considering the family's position on the waiting list. Records will be maintained showing that such families were admitted with special program funding.

Targeted Funding

The Wilmington Housing Authority administers the following types of targeted funding:

- HUD-Veterans Affairs Supportive Housing (HUD VASH) program – this special allocation of vouchers are subject to selection from WHA waiting list and selection for participation are based on referrals to WHA by the Wilmington Veterans Administration Center.
- Single Room Occupancy (SRO) – homeless men.
- Mainstream voucher allocations for persons with disabilities.
- If HUD issues a NOFA for Family Unification Vouchers WHA will apply for such vouchers to assist families with children in foster care due to homelessness and to assist youths aging out of foster care.
- WHA administers Project Based Vouchers (PBV) and will determine an applicant's eligibility for PBV once an Owner has selected an applicant.
 - The PBV program subsidy is connected to the dwelling unit as opposed to the tenant based voucher.
 - WHA will consider proposals for project-based assistance for projects that will increase affordable housing and/or to the betterment of the community within the City of Wilmington, Delaware.

WHA will use the funds that are provided by HUD only for the specific purpose identified above.

In addition, when any targeted vouchers are returned by families WHA will only use that voucher for the same purpose.

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 below.

SELECTION METHOD

Preference for Selection

Preferences are used to establish the placement of order on the waiting list. Families will be granted a preference if:

- Applicant family is displaced by a presidentially-declared natural disaster.
- Head or Co-Head is Elderly or Disabled.
- Working - Head or Co-Head must be employed a minimum of 20 hours a week. WHA will verify preference at the time of eligibility interview.
- Public Housing resident with a verified VAWA claim who agrees to port out of the jurisdiction (See VAWA Procedure).
- Youth aging out of foster care.
- WHA will select 20% of non-preference families from the HCV waiting list per fiscal year in application number order to enable non-preference family selections.

These preferences are equal – not hierarchic and not aggregated – with one exception: Until all applicants displaced by a presidentially declared natural disaster have received one offer of public housing or a housing choice voucher every third offer of housing shall be made to one of these disaster-displaced applicants.

Within the preference category and the no preference category applications are sorted by date and time of application/application number (whichever is applicable). Any applicant, with or without a preference, who rejects a unit offer without good cause will be removed from the waiting list as described below.

Any applicant who does not qualify for the preference at the time of the eligibility interview will be placed back on the “no-preference waiting list based upon application number. A written notice of this determination will be sent to the applicant and the applicant will be given the opportunity for an informal review.

Order of Selection

Taking qualification for preferences into account, families will be selected from the waiting list on a first-come, first-served basis according to application number their completed application is received. Families that qualify for a specified category of program funding (targeted funding) may be selected from the waiting list ahead of higher placed families that do not qualify for the targeted funding. However, within any targeted funding category, applicants will be

selected on a first-come, first-served basis according to the application number their completed application is received. Documentation will be maintained 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 that these families will not have to ask higher placed families each time targeted selections are made.

NOTIFICATION OF SELECTION

Families will be notified by telephone and first-class mail when they are selected from the waiting list. The notice will inform the family of the following:

1. Date, time, and location of the scheduled application interview, including the procedures for rescheduling the interview;
2. Who is required to attend the interview;
3. Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation;
4. Other documents and information that should be brought to the interview.

If a notification letter is returned with no forwarding address, the family will be withdrawn from the waiting list.

The Application Interview

Families selected from the waiting list are required to participate in an eligibility interview. The head of household and all adult household members are required to attend the interview. The interview will be conducted only if the head of household and all adult family members are present for the interview. If all adult family members do not attend the interview, the applicant interview will be rescheduled for a 2nd and final interview. The family will be notified of the date and time of the second scheduled interview.

If a family wishes to reschedule their interview they must call to reschedule prior to the scheduled interview date and time. Failure to call will result in applicant being removed from the waiting list. The family will be notified of the date and time of the second scheduled interview.

Applicants who fail to attend two scheduled interviews without approval will be denied assistance without further notice.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, the family will be provided with a written list of items that must be submitted.

Any required documents or information that the family is unable to supply at the interview must be provided within 10 business 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 required documents and information are not provided within the required

time frame (plus any extensions) the family will be sent a Notice of Denial.

An advocate, interpreter, or other individual may assist the family with the application and the interview process. Where an advocate, interpreter or other third party is used to assist the family, the family and WHA will execute a certification attesting to the role and assistance of the third-party.

If the family is unable to attend a scheduled interview, the family should contact the office in advance of the interview to schedule a new appointment. If a family does not attend a scheduled interview, another notification letter will be sent with a new interview appointment time. Applicants who fail to attend two scheduled interviews without approval will be withdrawn based on the family's failure to supply information needed to determine eligibility. A Notice of Denial will be issued in accordance with policy.

Completing the Application Process

If it is determined that the family is ineligible, written notification of the ineligibility determination will be sent within 10 business days of the determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review.

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. The family will be notified in writing that they have been returned to the waiting list with an explanation of why.

ORAL BRIEFING

The family will be given an oral briefing and receive a briefing packet containing written information about the program. Families may be briefed individually or in groups.

Families will be notified of their eligibility for assistance at the time they are invited to attend a briefing. The notice will inform them that all adult members of the household are required to attend the briefing, as well as the date and time of the scheduled briefing. The family must notify WHA prior to the scheduled briefing appointment whether all adult family members are able to attend the briefing. If the family calls prior to the initial scheduled briefing the family will be rescheduled for a 2nd and final briefing.

If any notices are returned by the post office with no forwarding address for the applicant; the family will automatically be denied assistance without further notice, .

The family will be notified of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without approval, will be denied assistance without further notice.

Each briefing provides information on the following:

- 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 the jurisdiction;
 - For families eligible under portability, an explanation of portability;
 - For families living in high-poverty census tracts, an explanation of the advantages of moving to areas outside of high-poverty concentrations.
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Briefing Packet

Documents and information provided in the briefing packet includes the following:

1. The term of the voucher, and policies on any extensions or suspensions of the term. If extensions are allowed, the packet must explain how the family can request an extension.
2. A description of the method used to calculate the housing assistance payment for a family, including how the payment standard for a family is determined, how the total tenant payment for a family is determined, and information on the payment standard and utility allowance schedule.
3. An explanation of how the maximum allowable rent for an assisted unit is determined.
4. Where the family may lease a unit. For a family that qualifies to lease a unit outside the jurisdiction under portability procedures, the information must include an explanation of how portability works.
5. The HUD-required tenancy addendum, which must be included in the lease.
6. The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy.
7. A statement of the policy on providing information about families to prospective owners.
8. The subsidy standards including when and how exceptions are made.
9. The HUD brochure on how to select a unit.
10. The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*.
11. Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.
12. A pamphlet providing information and direction to the Delaware Housing Online search tool at <http://delawarehousingsearch.org/> or call 1.877.428.8844, which is now our primary source for providing available unit listings. The handouts will be available to those that request the information in that format.
13. Notice that if the family includes a person with disabilities², the family may request a list of known available accessible units.
14. The family obligations under the program.
15. The grounds on which assistance may be terminated for a participant family because of family action or failure to act.

² Depending on the individual's disability the family may or may not need an accessible unit. A person with a hearing impairment does not need a fully accessible unit, for example. It's people with mobility impairments who need accessible units.

16. Informal hearing procedures including when the participant family should be offered an opportunity for an informal hearing, and how to request the hearing.
17. Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction.
18. Information about the characteristics of these areas including job opportunities, schools, transportation and other services.
19. An explanation of how portability works, including a list of portability contact persons for neighboring Housing Authorities including names, addresses, and telephone numbers.
20. When WHA-owned units are available for lease, a written statement will be provided that explains that the family has the right to select any eligible unit available for lease, and is not obligated to choose a WHA-owned unit.
21. Information on how to fill out and file a housing discrimination complaint form.
22. 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.

Encouraging Participation in Areas of Low Poverty Concentration

To expand the number of rental property owners participating in the Section 8 Housing Choice Voucher Program, brochures are mailed to property management companies on an annual basis and landlord briefings are conducted on an annual basis. Statistics on the concentration of low-income residents are reviewed semi-annually and when such areas are identified, additional outreach is conducted to property owners outside those areas.

Maps that show various areas with housing opportunities outside areas of poverty or minority concentration and information about the characteristics of those areas that may include information about job opportunities, schools, transportation and other services in these areas are used when briefing voucher holders about the range of areas where they may look for housing.

FAMILY OBLIGATIONS

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. Families are informed of these obligations during the oral briefing, and the same information is 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.

Unless otherwise noted below, when family obligations require the family to respond to a request or notify WHA of a change, notifying WHA of the request or change within 10 business days is considered prompt notice. When a family is required to provide notice to WHA, the notice must be in writing or other method needed by a participant with a disability.

Following is a list of a participant family's obligations under the HCV program:

1. The family must supply any information that is determined to be necessary, including submission of required certification of citizenship or verification of eligible immigration status.
2. The family must supply any information requested for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
3. The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
4. Any information supplied by the family must be true and complete.
5. 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. Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.
6. The family must allow the unit to be inspected at reasonable times and after reasonable notice.
7. The family must not commit any serious or repeated violation of the lease. The Authority 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, non-payment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity.

8. The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to WHA at the same time the owner is notified before moving out of the unit or terminating the lease.
 9. The family must promptly provide a copy of any owner eviction notice.
 10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
 11. The composition of the assisted family residing in the unit must be approved. The family must promptly provide notification in writing of the birth, adoption, or court-awarded custody of a child. The family must request approval to add any other family member as an occupant of the unit. This request must be done prior to the person moving into the unit. Eligibility of the new member will be determined in accordance with policy.
 12. The family must promptly provide notification in writing if any family member no longer lives in the unit.
 13. A foster child or a live-in aide may reside in the unit if approval has been given to the family.
 14. The family must not sublease the unit, assign the lease, or transfer the unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
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15. The family must promptly provide notification when the family is absent from the unit. 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 at the start of the extended absence.
16. The family must pay utility bills and provide and maintain any appliances that the owner is not required to under the lease.
17. 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).
18. Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.
19. 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.
20. 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.
21. 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.
22. 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 it has been 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.

DETERMINING FAMILY UNIT (VOUCHER) SIZE

WHA determines the appropriate number of bedrooms under the subsidy standards and enters the family unit size on the voucher that is 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 family unit size is determined:

1. The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
2. The subsidy standards must be consistent with space requirements under the housing quality standards.
3. The subsidy standards must be applied consistently for all families of like size and composition.

4. 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 so long as it can be documented that the child will be returning to the family when they receive a voucher.
5. A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
6. Any live-in aide must be counted in determining the family unit size.
7. 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.
8. One bedroom will be assigned for each two persons within the household, except in the following circumstances:
 - Persons of the opposite sex (other than spouses, and children under age 5) will be allocated separate bedrooms;
 - Live-in aides will be allocated a separate bedroom;
 - Single person families will be allocated one bedroom.
 - Persons of the same sex will be required to share a bedroom. No threshold for generation gap.

The following chart is used in determining the appropriate voucher size for a family:

Voucher Size	Persons in Household (Minimum – Maximum)
1 Bedroom	1 – 2
2 Bedrooms	2 – 4
3 Bedrooms	3 – 6
4 Bedrooms	4 – 8
5 Bedrooms	6 – 10

Exceptions to Subsidy Standards

An exception will be considered if it is determined that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

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 will be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

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

VOUCHER ISSUANCE

A voucher can be issued to an applicant family only after it has been determined that the family is eligible for the program based on information received within the 60 days prior to issuance and after the family has attended the mandatory briefing.

In addition, for WHA to assist a family in a particular dwelling unit, or execute a Housing Assistance Payments (HAP) contract with the owner of a dwelling unit, all of the following program requirements must be met:

- The unit itself must qualify as an eligible unit.
- The unit must be inspected by WHA and meet the Housing Quality Standards (HQS).
- The owner must be an eligible owner, approved by WHA, with no conflicts of interest.
- The lease offered by the owner must be approved by WHA and must include the required Tenancy Addendum.
- The rent to be charged by the owner for the unit must be reasonable.
- 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.
- The family and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information.

Voucher Term

Upon issuance, applicants will be given 60 days to locate a unit and submit RFTA. If the applicant fails to locate a unit within 60 days they must demonstrate their efforts during this period to request additional time to locate a unit. An additional 60 days may be granted either in 30 day increments or for the full 60 days at the discretion of WHA to total 120 days.

Extension requests must be supported by documented efforts made in the first 60 days of search activity. Acceptable forms of support include, but are not limited to, previously submitted RFTAs, illness of applicant, and other circumstances that were beyond the control of the applicant.

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 approval of the assisted tenancy in the selected unit.

The owner and the family must submit two documents:

- Completed Request for Tenancy Approval (RFTA) – Form HUD-52517
- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A

The RFTA contains information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease, necessary to determine approval of the assisted tenancy in this unit.

Owners must certify:

- To the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.
- That they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless a request for reasonable accommodation has been granted for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either:

1. Certify that 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.

1. The RFTA must be signed by both the family and the owner.
 2. The owner may submit the RFTA on behalf of the family.
 3. Completed RFTA (including the proposed dwelling lease) must be submitted as hard copies, in-person, by mail, or by fax until original can be provided.
 4. The family may not submit more than one (1) RFTA at a time.
 5. When the family submits the RFTA and the proposed lease, both documents will be reviewed to ensure:
 - a. Both documents are complete and have all required signatures.
 - b. That the terms of both documents are consistent with each other.
 - c. The dwelling lease must comply with State and local law and failure to do so will result in the denial of tenancy.
 6. The family and the owner will be notified of any deficiencies in the documentation received. Because of the time-sensitive nature of the tenancy approval process, attempts to communicate with the owner and family by phone, fax, or email will be made first; otherwise contact will be made by mail.
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7. Missing and/or corrected information will only be accepted as hard copies, in-person, by mail, or by fax. Missing and/or corrected information will not be accepted over the phone.

WHA will complete its determination within 10 business days of receiving all required information. If the terms of the RFTA/proposed lease are changed for any reason, including but not limited to negotiation with WHA, corrected copies of the RFTA and proposed lease, signed by the family and the owner must be resubmitted.

If it is determined that the tenancy cannot be approved for any reason, the owner and the family will be notified in writing and will be given the opportunity to address any reasons for disapproval. The owner and family will be instructed of the steps that are necessary to approve the tenancy.

Where the tenancy is not approvable because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher. If the tenancy is not approvable due to rent affordability (including rent burden and rent reasonableness), WHA 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.

Extensions of Voucher Term

Extensions will be approved only in the following circumstances:

1. It is necessary as a reasonable accommodation for a person with disabilities.
2. It is necessary due to reasons beyond the family's control, as determined by WHA. The presence of these circumstances does not guarantee that an extension will be granted:
 - a. Serious illness or death in the family;
 - b. Other family emergency;
 - c. Obstacles due to employment;
 - d. Whether the family has already submitted requests for tenancy approval that were not approved;
 - e. Whether family size or other special requirements make finding a unit difficult.

Any request for an additional extension must include the reason(s) an additional extension is necessary and documentation to support the request must be provided. All requests for extensions to the voucher term must be made in writing and submitted prior to the expiration date of the voucher (or extended term of the voucher). The family will be notified in writing of the decision within 10 business days of the date the request is received.

Tolling of Voucher Term

When a Request for Tenancy Approval (RFTA) and proposed lease is received, the housing choice voucher term will be tolled while the request is processed. The determination not to toll a voucher term is not subject to informal review.

Expiration of Voucher Term

If an applicant family's voucher term or extension expires before the applicant has submitted a Request for Tenancy Approval (RFTA), the family will be required to reapply for assistance. If the RFTA is subsequently disapproved (after the voucher term has expired) the family will be required to reapply for assistance and will not be given an opportunity for an informal review.

The family will be notified in writing within 10 business days after the expiration of the voucher term or any extension that the voucher term has expired and that the family must reapply in order to be placed on the waiting list.

INCOME DETERMINATION

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.

Summary of Income Included and Excluded by Person	
Live-in aides	Income from all sources is excluded.
Foster child or foster adult	Income from all sources is excluded.
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. 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. All other sources of income, except those specifically excluded by the regulations, are included.

Temporarily Absent Family Members

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member.

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.

Verification of this determination will be requested from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

When an individual who has been counted as a family member is determined permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or co-head qualify as an elderly person or a person with disabilities.

Caretakers for a Child

If neither a parent nor a designated guardian remains in the household, the following actions will be taken.

1. If a responsible agency has determined that 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 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the caretaker's status as an eligible visitor will be extended.
3. At any time that custody or guardianship has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.
4. During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

DETERMINATION OF ANNUAL INCOME [EFFECTIVE BEGINNING JANUARY 1, 2024]

WHA will calculate family income as follows:

1) **Initial Occupancy or Assistance and Interim Reexaminations**

WHA or owner must estimate the income of the family for the upcoming 12-month period:

(i) To determine family income for initial occupancy or for the initial provision of housing assistance;
or

(ii) To determine family income for an interim reexamination of family income under 24 CFR 5.657(c), 24 CFR 960.257(b), or 24 CFR 982.516(c).

2) **Annual Reexaminations**

(i) WHA or owner must determine the income of the family for the previous 12-month period and use this amount as the family income for annual reexaminations, except where WHA or owner uses a streamlined income determination under 24 CFR 5.657(d), 24 CFR 960.257(c), or 24 CFR 982.516(b).

(ii) In determining the income of the family for the previous 12-month period, WHA or owner must take into consideration any redetermination of income during the previous 12-month period resulting from an interim reexamination of family income under 24 CFR 5.657(c), 24 CFR 960.257(b), or 24 CFR 982.516(c).

(iii) WHA or owner must make adjustments to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in a redetermination of income.

3) Use of Other Programs' Determination of Income

(i) WHA or owner may, using the verification methods in paragraph (ii) below, determine the family's income prior to the application of any deductions applied in accordance with 24 CFR 5.611 based on income determinations made within the previous 12-month period for purposes of the following means-tested forms of Federal public assistance:

- A. The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, *et seq.*).
- B. Medicaid (42 U.S.C. 1396 *et seq.*).
- C. The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 *et seq.*).
- D. The Earned Income Tax Credit (26 U.S.C. 32).
- E. The Low-Income Housing Credit (26 U.S.C. 42).
- F. The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786).
- G. Supplemental Security Income (42 U.S.C. 1381 *et seq.*).
- H. Other programs administered by the Secretary.
- I. Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding.
- J. Other Federal benefit determinations made in other forms of means-tested Federal public assistance that the Secretary determines to have comparable reliability and announces through the Federal Register.

(ii) If WHA or owner intends to use the annual income determination made by an administrator for allowable forms of Federal means-tested public assistance, WHA or owner must obtain it using the appropriate third-party verification. If the appropriate third-party verification is unavailable, or if the family disputes the determination made for purposes of the other form of Federal means-tested public assistance, the PHA or owner must calculate annual income in accordance with 24 CFR part 5, subpart F. The verification must indicate the tenant's family size and composition and state the

amount of the family's annual income. The verification must also meet all HUD requirements related to the length of time that is permitted before the third-party verification is considered out-of-date and is no longer an eligible source of income verification.

- 4) ***De Minimis Errors.*** WHA or owner will not be considered out of compliance with the requirements in this paragraph (c) solely due to de minimis errors in calculating family income. A de minimis error is an error where WHA's or owner's determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family.

(i) WHA or owner must still take any corrective action necessary to credit or repay a family if the family has been overcharged for their rent or family share because of the de minimis error in the income determination, but families will not be required to repay the WHA or owner in instances where a PHA or owner has miscalculated income resulting in a family being undercharged for rent or family share.

(ii) HUD may revise the amount of de minimis error through a rulemaking published in the Federal Register for public comment.

Using Electronic Income Verification (EIV) to Project Income

Procedures for anticipating annual income includes the use of electronic income verification EIV methods approved by HUD in conjunction with family-provided documents dated within the last 90 days of the interview date. HUD's up-front income verification system is called the Electronic Income Verification system or EIV.

"HUD Guidelines for Projecting Annual Income When Up-Front Income Verification (UIV) Data Is Available" will be used in handling differences between UIV and family-provided income data. The guidelines depend on whether a difference is substantial or not. HUD defines substantial difference as a difference of \$200 or more per month.

No Substantial Difference

If UIV information for a particular income source differs from the information provided by a family by less than \$200 per month, these guidelines will be followed:

- If the UIV figure is less than the family's figure, the family's information will be used.
- If the UIV figure is more than the family's figure, the UIV data will be used unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, the family-provided information will be used.

Substantial Difference

If UIV information for a particular income source differs from the information provided by a family by \$200 or more per month, these guidelines will be followed:

- Written third-party verification will be requested from the discrepant income source.
- When income cannot be readily anticipated (e.g., in cases of seasonal employment, unstable working hours, or suspected fraud), historical income data will be reviewed

for patterns of employment, paid benefits, and receipt of other income.

- All UIV, third-party, and family-provided data will be analyzed and an attempt to resolve the income discrepancy will occur.
- The most current verified income data will be used and, if appropriate, historical income data to calculate anticipated annual income.

When information cannot be verified through third-party or by review of documents, families will be required to submit a self-certification. The family will be given up to one week to provide self-certification if other forms of verification are unattainable.

For a family with net family assets (as the term is defined in 24 CFR 5.603) equal to or less than \$50,000, which amount will be adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical workers, WHA has opted to allow self-certification of assets less than \$50,000 and the amount of income derived from them as afforded by 24 CFR 5.618PIH Notice 2013-03. Applicants and residents will sign the Personal Declaration form and Declaration of Asset form, and this will serve as acceptable documentation. No supporting bank statements or third-party bank verifications will be required.

EARNED INCOME INCLUDED IN ANNUAL INCOME

A. ANNUAL INCOME 24 CFR § 5.609(A) [EFFECTIVE BEGINNING JANUARY 1, 2024]

Annual income includes with respect to the family:

1. All amounts not specifically excluded in the list of excluded income below, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and
2. When the value of net family assets exceeds \$50,000 (which amount HUD will adjust in accordance with the Consumer Price Index) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD

B. EXCLUDED INCOME 24 CFR § 5.609(B) [EFFECTIVE JANUARY 1, 2024]

Annual Income does not include the following:

1. *Any imputed return on an asset when net family assets total \$50,000 or less (which amount HUD will adjust annually in accordance with the Consumer Price Index) and no actual income from the net family assets can be determined.*
2. *The following types of trust distributions:*
 - a. *For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets*
 - 1) *Distributions of the principal or corpus of the trust; and*
 - 2) *Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.*

- b. For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.*
- 3. Earned income of children under the age of 18 years.*
- 4. Payments received for the care of foster children or foster adults, or State or tribal kinship or guardianship care payments.*
- 5. Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance and worker's compensation.*
- 6. Amounts received by the family that are specifically for or in reimbursement of, the cost of health and medical care expenses for any family member,*
- 7. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.*
- 8. Income of a live-in aide, foster child or foster adult.*
- 9. Certain financial assistance to students as provided below:*

Excluded Student Financial assistance covers assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit

With respect to student financial assistance the following is excluded:

- a. Any assistance that section 479B of the Higher Education Act of 1965 requires to be excluded from a family's income,*
- b. Plus, any of the following up to the total amount of Excluded Student Financial assistance as defined above received from:*
 - 1) The Federal government.*
 - 2) A State, Tribal or local government.*
 - 3) A private foundation registered as a nonprofit under 502(c)(3).*
 - 4) A business entity (such as a corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation or nonprofit entity; or*
 - 5) An institution of higher education.*

Excluded Student financial assistance does not include

- 1) Financial support provided to the student in the form of a fee for services performed (e.g., a. work study or teaching fellowship that is not excluded)*
- 2) Gifts including gifts from family or friends*
- 3) Any amount of scholarship or grant that, either by itself or in combination with assistance excluded in 9.a above, exceeds the **excluded Student Financial Assistance** defined in 9 above.*

10. *Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created authorized, or funded by Federal, State, or local government. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.*
11. *Additionally excluded are:*
 - a. *Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS).*
 - b. *Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) to allow participation in a specific program.*
 - c. *Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount 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.*
 - d. *Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program funded by HUD or in qualifying Federal, State, Tribal, 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 unless those amounts are excluded under Paragraph 9 above.*
12. *Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.*
13. *Earned income of dependent full-time students in excess of the amount of the deduction for a dependent.*
14. *Adoption assistance payments in excess of the amount of the deduction for a dependent.*
15. *Deferred periodic payments of 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 in prospective monthly amounts. But the periodic payments from these sources are income.*
16. *Payments related to aid and attendance under 38 USC 1521 to veterans in need of regular aid and attendance.*
17. *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.*
18. *Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family’s assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a*

disability to reside in the family's assisted unit.

19. *Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).*
20. *Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.*
21. *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 the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)*

The following is a list of benefits excluded by other Federal Statute:

- a. *The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977; 7 USC 2017 (h)*
- b. *Payments to volunteers under the Domestic Volunteer Service Act of 1973; 42 USC 5044 (g), 5088*

Examples of programs under this Act include but are not limited to:

- *the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program.*
 - *National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs.*
 - *Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).*
- c. *Payments received under the Alaska Native Claims Settlement Act; 43 USC.1626 (a)*
 - d. *Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes; 25 USC. 459e*
 - e. *Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; 42 USC 8624 (f)*
 - f. *Income derived from the disposition of funds of the Grand River Band of Ottawa Indians; P. L. 94-540, 90 State 2503-04*
 - g. *The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims 25 USC 1407-08, or from funds held in trust for an Indian Tribe by the Secretary of Interior; and 25 USC 117b, 1407*
 - h. *Payments received from programs funded under Title V of the Older Americans Act of 1965: 42 USC 3056 (f)*
 - *Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on*
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the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

- i. Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation.*
 - j. Payments received under Maine Indian Claims Settlement Act of 1980; P.L. 96-420,94 Stat. 1785*
 - k. The value of any childcare 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 USC 9858q*
 - l. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation.*
 - m. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990.*
 - n. 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.*
 - o. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.*
 - p. Kinship Guardian assistance payments and other guardianship care payments.*
 - q. Any amount received under the School Lunch Act and the Child Nutrition Act of 1966, including reduced price lunches and food under WIC.*
 - r. Payments, funds or distributions authorized, established or directed by the Seneca Nation Settlement Act of 1990.*
 - s. Compensation received by or on behalf of a veteran for service connected disability, death, dependency or indemnity compensation as provided by the Indian Veterans Housing Opportunity Act of 2010.*
 - t. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case Elouise Cobell et al v Ken Salazar.*
 - u. Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107–110, 42 U.S.C. 604(h)(4)).*
 - v. Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013–30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements” (25 U.S.C. 117b(a)); and*
 - w. Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).*
- 22. Replacement housing “gap” payments that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another. Such payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments.*
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23. *Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies.*

Nonrecurring income includes:

- a. *Payments from the US. Census Bureau for employment (relating to decennial census or the American community Survey) lasting no longer than 180 days and not culminating in permanent employment.*
- b. *Direct Federal or State payments intended for economic stimulus or recovery.*
- c. *Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.*
- d. *Amount directly received by the family as a result of Federal refundable tax credits and Federal tax received the time they are received.*
- e. *Gifts for holidays, birthdays or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).*
- f. *Non-monetary, in-kind donations, such as food, clothing or toiletries received from a food bank or similar organization.*
- g. *Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.*

24. *Civil rights settlements or judgments, including settlements of judgments for back pay.*

25. *Income received from any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements (IRAs), employer retirement plans, and retirements plans for self-employed individuals; **except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.***

26. *Income earned on amounts placed in a family's Family Self Sufficiency Account.*

27. *Gross income a family member receives through self-employment or operation of a business except that the following shall be considered income to a family member:*

- a. *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 IRS regs, and*
- b. *Any withdrawal of cash or assets from the operation of a business or profession will be included in income except to the extent that the withdrawal is reimbursement of case or assets.*

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.

Regularly received bonuses and commissions will be verified and then average amounts received for the two years preceding admission or reexamination will be used. If only a one-year history is available, the prior year amounts will be used. In either case the family may

provide a credible justification for not using this history to anticipate future overtime, bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the amount estimated by the employer will be used. Overtime pay will only be used if the employer verifies that overtime will be available in the coming year.

Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

This disallowance applies only to individuals with disabilities in families already participating in the HCV program (not at initial examination) before 12/31/2023. Effective 1/1/2024, the program has been discontinued by Federal Statute. To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who 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.
- 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 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 earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her prior income, which is the family member's last certified income prior to qualifying for the EID. The family member's prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.

Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months

are cumulative.

The initial EID exclusion period will begin once a family member is determined to be eligible for the EID. If the family member discontinues the employment that initially qualified the family for the EID, the 24-calendar month period continues.

Second 12-Month Exclusion and Phase-In

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative.

Lifetime Limitation

The EID benefit is limited to a 24-month lifetime period for the qualifying member. At the end of the 24 months, the EID ends regardless of how many months were “used.” **Families that are receiving the disallowance of earned income on December 31, 2023 are eligible to continue to receive the EID benefit until they have reached the end of their 24-month disallowance period, as this was in effect prior to the effective date of January 1, 2024.**

BUSINESS INCOME

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.

Business Expenses

Net income is “gross income less business expense”. To determine business expenses that may be deducted from gross income, the current applicable Internal Revenue Service (IRS) rules will be used for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance.

Business Expansion

HUD regulations do not permit deductions from gross income expenses for business expansion.

Capital Indebtedness

HUD regulations do not permit deductions from gross income the amortization of 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 the withdrawal of cash or assets from the operation of a business or profession be included in annual income unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

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, any withdrawals from the business up to the amount of this loan will not be counted until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

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.

INCOME FROM ASSETS

Current circumstances will be used 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 the use of 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. It is believed that past income is the best indicator of anticipated income.

For example, if a family member owns real property that typically receives rental income but the property is currently vacant, past rental income along with the prospects of obtaining a new tenant will be taken into consideration.

When 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 show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets

The calculation of asset income requires making 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. Examples of acceptable costs include penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions. Cash value of assets is the figure used to determine "net family assets".

Acceptable Documentation; Confidentiality

WHA may determine the net assets of a family based on a certification by the family that the net family assets (as defined in § 5.603) do not exceed \$50,000, which amount will be adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.

WHA may determine that a family does not have present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property (based on laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence based on a certification by a family that certifies that such family does not have any present ownership interest in any real property at the time of the income determination or review.

When a family asks for or about an exception to the real property restriction because a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, LMHA must comply with the confidentiality requirements under § 5.2007. WHA must accept a self-certification from the family member, and the restrictions on requesting documentation under § 5.2007 apply.

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are 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).

Imputing Income from Assets

Households that have assets less than \$5,000 will self-certify their asset amounts at tenant recertification. When the family has net family assets in excess of \$5,000, the greater of the following will be included:

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 passbook savings rate.

Determining Actual Anticipated Income from Assets

When the value of an asset is required to compute the anticipated income from an asset, the actual income received from the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property and then subtracting the expenses incurred in renting the property such as the cost of taxes, maintenance and insurance; 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 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. If the retirement income received is a company-paid pension the entire amount received is income.

Jointly Owned Assets

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the full value of the asset will be counted. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the asset will be prorated according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the asset will be prorated evenly among all owners.

Assets Disposed of for Less than Fair Market Value

HUD regulations require any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination be counted as a current asset.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. Verification of the value

of the assets disposed of will be done if other information available does not appear to agree with the information reported by the family.

TYPES OF ASSETS

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero. In determining the value of a checking account, the average monthly balance for the last six months will be used. In determining the value of a savings account, the current balance will be used. In determining the anticipated income from an interest-bearing checking or savings account, the value of the account will be multiplied by the current rate of interest paid on the account.

Investment Accounts

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. In determining the market value of an investment account, the value of the account on the most recent investment report will be used.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), the asset income will be calculated based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset. 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.
- The value of a home currently being purchased with assistance under the HCV program Homeownership Option for the first 10 years after the purchase date of the home.
- Equity in owner-occupied cooperatives and manufactured homes in which the family lives.
- Equity in real property when a family member's main occupation is real estate.
- Interests in Indian Trust lands.

- Real property and capital assets that are part of an active business or farming operation.

A family may have real property as an asset in two ways:

1. Owning the property itself, and
2. Holding a mortgage or deed of trust on the property.

In the case of a property owned by a family member, the anticipated asset income 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.

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 it is determined that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

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. 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.

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude any amount held in a company retirement or pension account by an employed person as an asset, it must be known whether the money is accessible before retirement. While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset.

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, except to the extent that 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.

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. The cash value of these accounts is the market value less the penalty.

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset. In determining the value of personal property held as an investment, the family's estimate of the value will be used. However, an appraisal may be required to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets. Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, 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. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it. Term life insurance is not an asset, since you must die to collect.

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, if any.
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum.

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, supplemental security income (SSI) or VA disability payments are not counted as income.

When a delayed-start payment is received and reported during the period in which an annual reexamination is being processed, the family share and subsidy will be adjusted 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.

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). Payments for the care of foster children and foster adults will be excluded only if the care is provided through an official arrangement with a local welfare agency.
- 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.
- Amounts received under the Low-Income Home Energy Assistance Program.
- Amounts received under the Child Care and Development Block Grant Act of 1990.
- Earned Income Tax Credit (EITC) refund payments.
- Lump sums received as a result of delays in processing Social Security and SSI payments.

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 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.

WELFARE ASSISTANCE

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments.

Sanctions Resulting in the Reduction of Welfare Benefits

A special calculation of annual income must be made when the welfare agency imposes sanctions on certain families. 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 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance”.

Imputed Income

When a welfare agency imposes a sanction that reduces a family's welfare income because the family commits fraud or fails to comply with the agency's economic self-sufficiency program or work activities requirement, "imputed" welfare income must be included in annual income. A request must be made to the welfare agency to inform the Housing Authority 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.

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.

PERIODIC AND DETERMINABLE ALLOWANCES

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from person(s) not residing with an assisted family.

Alimony and Child Support

Alimony or child support amounts awarded as part of a divorce or separation agreement are counted. Court-awarded amounts for alimony and child support will be counted unless verification shows

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.

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.

Even if not court-ordered voluntary alimony and child support received by the family is included in Annual Income.

Regular Contributions or Gifts

Regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family will be counted. Temporary, nonrecurring, or sporadic income and gifts are not counted.

Examples of regular contributions include:

1. Regular payment of a family's bills (e.g., utilities, telephone, cable TV, rent, car insurance, credit cards, and car payments),
2. Cash or other liquid assets provided to any family member on a regular basis, and
3. "In-kind" contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by the Housing Authority. For contributions that may vary from month to month (e.g., utility payments), an average amount based upon past history will be included.

ADJUSTED INCOME 24 CFR 5.611 [EFFECTIVE BEGINNING JANUARY 1, 2024]

Adjusted income means annual income as determined above of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

1. *\$480 for each dependent, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index, rounded to the next lowest multiple of \$25.*
2. *\$525 for any elderly family or disabled family, which amount will be adjusted annually in accordance with the Consumer Price Index, rounded to the next lowest multiple of \$25.*
3. *The sum of the following, to the extent the sum exceeds ten percent of annual income:*
 - a. *Unreimbursed health and medical care expenses of any elderly family or disabled family; and*
 - b. *Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the members who is a person with a disability) to be employed. This deduction may not exceed the combined earned income received by adult family members who are able to work because of such attendant care or auxiliary apparatus; and*
4. *Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.*
5. *Financial hardship exemption for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses. Phased-in relief:*
 - a. *Eligibility for relief: To receive hardship relief the family must have received a deduction from annual income because the sum of*
 - 1) *unreimbursed expenses for health and medical care, plus*
 - 2) *unreimbursed care and apparatus expenses for a disabled family member that permit a family member to work*
 - 3) *that exceeded 3 percent of annual income*
 - b. *Form of relief:*
 - 1) *Beginning with the first recertification after 1/1/2024, the family will receive a deduction totaling the sum of*
 - a) *unreimbursed expenses for health and medical care, plus*

childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days. WHA may, at their discretion, extend such hardship exemptions for additional 90-day periods based on family circumstances

8. Hardship policy requirements:

9. WHA defines hardship for the exemptions listed above as an inability to pay for basic needs. For purposes of determining eligibility for a hardship exemption to continue the child care expense deduction, WHA will determine a family's inability to pay rent by self-attestation by the family.

10. WHA WILL PROMPTLY NOTIFY THE FAMILY IN WRITING OF THE CHANGE IN THE DETERMINATION OF ADJUSTED INCOME AND THE FAMILY'S RENT RESULTING FROM THE HARDSHIP EXEMPTION. THE NOTICE WILL INFORM THE FAMILY OF WHEN THE HARDSHIP EXEMPTION WILL BEGIN AND EXPIRE (I.E., THE TIME PERIODS SPECIFIED FOR PHASED IN RELIEF, OR WITHIN 90 DAYS, OR AT SUCH TIME AS WHA OR THE OWNER DETERMINES THE EXEMPTION IS NO LONGER NECESSARY IN ACCORDANCE WITH THIS SECTION).

WHA'S POLICY IS TO CONTINUE THIS RELIEF UNTIL THE CIRCUMSTANCES THAT MADE THE FAMILY ELIGIBLE FOR THE RELIEF ARE NO LONGER APPLICABLE

Anticipating Expenses

Current circumstances will be used to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., childcare during school and non-school periods and cyclical medical expenses), costs will be estimated based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the portion of the debt that the family expects to pay during the period for which the income determination is being made will be included as an eligible expense. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The family may be required to provide documentation of payments made in the preceding year.

Earned Income Limit on Child Care Expense Deduction

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income”.

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 that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

The deduction will not be limited to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working.

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the allowable child care expenses will be limited to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

VERIFICATION METHODS

All information that is used to establish the family's eligibility and level of assistance must be verified and the family's consent to collect the information must be obtained. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The family must supply any information necessary as required for the administration of the program and must consent to verification of that information. WHA will follow HUD's rules and the WHA Verification Procedure to accomplish this objective.

RENT AND SUBSIDY CALCULATIONS

TOTAL TENANT PAYMENT (TTP)

TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30% of the family's monthly adjusted income
- 10% of the family's monthly gross income
- The minimum rent

The amount that 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.

Minimum Rent

The minimum rent for WHA is \$50.

FAMILY SHARE

If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the applicable payment standard:

1. The family will pay the TTP plus the amount by which the gross rent exceeds the the TTP, and
2. At initial occupancy tenancy may not be approved 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 days before the family's voucher was issued.

SUBSIDY

WHA 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.

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 the subsidy standards, the new family unit size will 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.

UTILITY ALLOWANCES

A WHA-established utility allowance schedule is used to determine family share and WHA subsidy. Utility allowances will be authorized in correlation to the unit size approved for the family. If a larger unit is selected the utility allowance will not be increased to match the unit size. However, if a smaller unit is selected the utility allowance will be decreased to match the smaller unit size. 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.

Utility Reimbursement Payment Debit

When WHA subsidy for a family exceeds the rent to owner, WHA will issue a debit card to the family and the amount of the utility reimbursement will be loaded each month. To receive these payments, affected participants will need to open a bank account or disclose information pertaining to an existing account to enable an account-to-account transfer of funds from the Authority account to the participant's account.

FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT

Because WHA has established a minimum rent greater than zero, an exemption from the minimum rent must be granted 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 it is determined that 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.

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:

- Implementation of assistance, if approved, or
 - 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.
- 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 tenant-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. 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).

Implementation of Hardship Exemption

Determination of Hardship

When a family requests a financial hardship exemption, the minimum rent requirement will be suspended beginning the first of the month following the family's request. WHA then determines whether the financial hardship exists and whether the hardship is temporary (expected to last 90 days or less) or long-term.

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing or other method needed by a person with a disability. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent. The determination of hardship will be made within 30 calendar days.

No Financial Hardship

If it is determined that there is no financial hardship, the minimum rent will be reinstated and the family will be required to repay the amounts suspended within 30 calendar days of the notice that a hardship exemption has not been granted.

Temporary Hardship

If it is determined that a qualifying financial hardship is temporary, the minimum rent will be suspended for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption. During this period, WHA may determine that the family's circumstances have changed and the hardship is now a long-term hardship; else, at the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay the amounts suspended. The family may enter into a repayment agreement for amounts suspended.

Long-Term Hardship

If it is determined that the financial hardship is long-term, the family will be exempt 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.

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.
3. For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

APPLYING PAYMENT STANDARDS

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 the subsidy standards, or
2. The payment standard for the size of the dwelling unit rented by the family.

If WHA 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, the appropriate payment standard for the exception area must be used.

WHA 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, the HAP will be recalculated using the lower of the initial payment standard or the gross rent for the unit.

Changes in Payment Standards

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. When the payment standards are changed or if the family's situation changes, new payment standards are applied at the following times:

- If the 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.
- If the family unit size increases or decreases during the HAP contract term, the new family unit size will 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.

PRORATED ASSISTANCE FOR MIXED FAMILIES

HUD regulations prohibit assistance to ineligible family members. The assistance provided must be prorated to a mixed family. The assistance will first be determined as if all family members were eligible and then the assistance will be prorated based upon the percentage of family members that actually are eligible.

NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

The owner and family will be notified of any changes in the amount of the HAP payment. The notice includes the following information:

- 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 will be given an opportunity for an informal hearing regarding the determination of their annual or adjusted income including the use of such income to compute the housing assistance payment.

The notice to the family will include the annual and adjusted income amounts that were used to calculate the family share of the rent and the housing assistance payment. The notice also will state the procedures for requesting an informal hearing.

FAMILY DEBTS TO WHA

If an action or inaction of an owner or participant results in the overpayment of housing assistance, the owner or participant will be held liable to return any overpayments. WHA will enter into repayment agreements in accordance with policy as a means to recover overpayments.

Any amount due by an HCV participant must be repaid by the family. If the family is unable to repay the debt within 30 days, WHA 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, assistance will be terminated upon notification to the family and other

modes of collection will be pursued.

Families that fail to report an increase in income will have 30 days to repay WHA for HAP overpayments or the family may be terminated from the program. Repayment agreements will not be made available. Current repayment agreements will remain valid and must be paid as agreed or termination may occur.

Repayment Agreement Guidelines

Down Payment Requirement

Prior to the execution of a repayment agreement, the owner or family must pay 20 percent of the balance. To enter into agreement, the amount delinquent cannot exceed \$1500. Any participant owing more than \$1500 in delinquent charges resulting from unreported/misrepresented income will be terminated from the program and will be referred to the Attorney General's office for further action.

The monthly amount of the repayment shall be 10 percent of month income in addition to the regular tenant contribution.

Execution of the Agreement

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

Due Dates

All payments are due by the close of business on the 15th day of the month. If the 15th does not fall on a business day, the due date is the close of business on the first business day after the 15th.

Non-Payment

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given, the family will be sent a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and assistance will be terminated upon written notification to the family.

If a family receives 3 delinquency notices for unexcused late payments in a 12 month period, the repayment agreement will be considered in default, and assistance will be terminated upon written notification to the family.

No Offer of Repayment Agreement

WHA will not enter into a repayment agreement if there is already a repayment agreement in place, or the amounts owed exceed the Federal or State threshold for criminal prosecution.

OWNER ROLES, RESPONSIBILITIES AND REQUIREMENTS

Owners that wish to lease a unit to an eligible HCV family or to help the HCV family find a unit must notify WHA. A listing of such owners is provided to the HCV family as part of the informational briefing packet.

Owners who have not previously participated in the HCV program must attend a meeting in

which the terms of the Tenancy Addendum and the HAP contract will be explained. WHA may waive this requirement on a case-by-case basis, if it determines that the owner is sufficiently familiar with the requirements and responsibilities under the HCV program.

The owner must be qualified to participate in the program. 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.

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. WHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy.

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, 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).

The selected unit must be of a type that is eligible for the program. Other types may be assisted under certain conditions. In addition, the owner must document legal ownership of the specified unit. WHA may not assist a unit under the voucher program if the unit is:

1. A public housing or Indian housing unit;
2. A unit receiving project-based assistance under section 8 of the 1937 Act;
3. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services;
4. College or other school dormitories;
5. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
6. A unit occupied by its owner or by a person with any interest in the unit.

The selected unit must meet HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD. WHA will inspect the owner's dwelling unit at various stages of HCV program participation, to ensure that the unit continues to meet HQS requirements.

WHA must determine that the cost of the unit is reasonable. 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. At initial lease-up of a unit, WHA will determine that the share of rent to be paid by the family does not exceed 40 percent of the family's monthly adjusted income.

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; WHA 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 that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

LEASE EXECUTION

The dwelling lease must comply with all program requirements. 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; including a model or standard dwelling lease that can be supplied by WHA. 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 WHA. 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.

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; and
- 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 initial term of the assisted dwelling lease must be for at least one year, be effective during the first of the month, and must be stated in the HAP contract. During the initial term of the lease, the owner may not raise the rent to tenant. Any provisions for renewal of the dwelling lease will be stated in the dwelling lease. There are no HUD requirements regarding any renewal extension terms, except that they must be in the dwelling lease if they exist.

WHA 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. WHA 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.

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 the housing assistance payments to the owner. 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.

Owners and families are permitted to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any items, appliances, or other services that are 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.

Any items, appliances, or other services that are 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 that involve 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.

Changes in Lease or Rent

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 WHA a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of this policy.

Approval of tenancy and execution of a new HAP contract are not required for changes in the lease. However, under RFTA in circumstances, voucher assistance in the unit shall not be continued unless WHA 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.

Where the owner is changing the amount of rent, the owner must notify WHA of any changes in the amount of the rent to owner at least 60 days before any such changes go into effect. WHA will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards. 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.

If the owner is requesting a rent increase, WHA will determine whether the requested increase

is reasonable after receiving the requested questionnaire from the owner. The owner will be notified of the determination in writing.

A request for a rent increase will not be considered until the unit has passed current year's annual inspection or if there are any open/incomplete inspections.

Rent increases will go into effect on the first of the month following the 60 day period after the owner notifies WHA of the rent change or on the date specified by the owner, whichever is later.

OWNER RESPONSIBILITIES

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Performing 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 information required under the HAP contract;
- Collecting from the family any security deposit (may not be more than one month's contract rent), the tenant's contribution to rent (that part of rent to owner not covered by the housing assistance payment), 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);
- Making modifications to a dwelling unit occupied or to be occupied by a disabled person.

OWNER QUALIFICATIONS

WHA does not formally approve an owner to participate in the HCV program. However, there are a number of criteria under which approval of an assisted tenancy may be denied based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program.

Owners Barred from Participation

The assisted tenancy will not be approved if the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. A tenancy request will not be approved 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.

Leasing to Relatives

An RFTA will not be approved if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. An exception may be made 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

A tenancy will not be approved if 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, Commissioner or officer of WHA (except a participant commissioner);
- Any WHA employee, or any contractor, subcontractor or agent, 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. A waiver request must be submitted to the appropriate HUD Field Office for determination.

Any waiver request submitted must include:

- 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, WHA, 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 or assistance under the HCV

program for an eligible 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, description of the nature of the investment, including disclosure/divestiture plans.

If a conflict-of-interest waiver has been requested, the HAP contract cannot be executed until HUD has made a decision on the waiver request.

In considering whether to request a conflict of interest waiver from HUD, WHA will take into account:

- The reasons 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.

Owner Actions That May Result in Disapproval of a Tenancy Request

WHA will refuse to approve a request for tenancy if any of the following are true:

- The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act;
 - The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
 - The owner has engaged in any drug-related criminal activity or any violent criminal activity;
 - The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
 - The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
 - Threatens the right to peaceful enjoyment of the premises by other residents;
 - Threatens the health or safety of other residents, of employees of WHA, or of owner employees or other persons engaged in management of the housing;
 - Threatens the health or safety of, or the right to peaceful enjoyment of their
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residences, by persons residing in the immediate vicinity of the premises; or

- Is drug-related criminal activity or violent criminal activity.
- The owner has a history or practice of renting units that fail to meet state or local housing codes;
- The owner has not paid state or local real estate taxes, fines, or assessment.
- The owner has required or attempted to require HCV participants to make rent payments above those spelled out in the Lease and HAP contract.

In considering whether to disapprove owners for any of the discretionary reasons listed above, any mitigating factors will be considered. Such factors may include, but are not limited to, the seriousness of the violation in relation to program requirements, the impact on the ability of families to lease units under the program, health and safety of participating families, among others.

Legal Ownership of Unit

WHA 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 (e.g., deed of trust, proof of taxes for most recent year).

Non-Discrimination

The owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, sexual orientation, gender identity, marital status, or disability, in connection with any actions or responsibilities under the HCV program and the HAP contract.

The owner must cooperate with WHA and with HUD in conducting any equal opportunity compliance reviews and complaint investigations in connection with the HCV program and the HAP contract.

OWNER RECRUITMENT AND RETENTION

Recruitment

WHA is responsible for ensuring that very low income families have access to all types and ranges of affordable housing within its jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is to ensure that a sufficient number of owners, representing all types and ranges of affordable housing in the jurisdiction, are willing to participate in the HCV program.

WHA will conduct owner outreach to ensure that owners are familiar with the program and its advantages. Property owners with property located outside areas of poverty and minority concentration will be actively recruited. 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.
- Participating in community based organizations comprised of private property and

apartment owners and managers.

- Developing working relationships with owners and real estate brokers associations.

Outreach strategies will be monitored for effectiveness, and adapted accordingly.

Retention

All WHA activities that may affect an owner's ability to lease a unit will be processed as rapidly as possible to minimize vacancy losses for owners. Owners will be provided with a handbook that explains the program, including HUD and WHA policies and procedures, in easy-to-understand language. Special attention will be given to helping new owners succeed through activities such as:

- Providing the owner with a designated contact person.
- Coordinating inspection and leasing activities between WHA, the owner, and the family.
- Initiating telephone contact with the owner to explain the inspection process, and providing an inspection booklet and other resource materials about HUD housing quality standards.
- 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.

HAP CONTRACTS

The HAP contract represents a written agreement between WHA 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 WHA's obligations. Under the HAP contract, WHA 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 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. If WHA has given approval for the family of the assisted tenancy, the owner and WHA execute the HAP contract. The HAP contract format is required by HUD, specifically Housing Assistance Payment (HAP) Contract, Form HUD-52641.

- WHA is permitted to execute a HAP contract even if the funding currently available does not extend for the full term of the HAP contract.
- WHA must make a best effort to ensure that the HAP contract is executed before the beginning of the lease term. Regardless, the HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.
- WHA 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, the housing assistance payments will be made 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 a housing assistance payment cannot be made to the owner.

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 WHA and owner.

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. 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
- WHA Payment to Owner
- Prohibition of Discrimination
- Owner's Breach of HAP Contract
- WHA 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 WHA. 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.

WHA will not execute the HAP contract until the owner has submitted IRS form W-9. WHA will ensure that the owner receives a copy of the executed HAP contract.

HAP Contract Payments

During the term of the HAP contract, and subject to the provisions of the HAP contract, WHA must make monthly HAP payments to the owner on behalf of the family, at the beginning of each month. All HAP payments will be directly deposited into the owner's bank account; no checks will be mailed to the owner.

The owner and the family will be notified 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 is credited toward the monthly rent to owner under the family's lease. The total of the rent paid by the tenant, plus the HAP payment, should be equal to the rent specified in the lease (the rent to owner).

The family is not responsible for payment of the HAP payment, and WHA 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. 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.

If the owner receives any excess HAP, the excess amount must be returned immediately. If it is determined that the owner is not entitled to all or a portion of the HAP, the amount of overpayment will be deducted from any amounts due to the owner, including amounts due under any other Section 8 HCV contract.

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.

By accepting the monthly payment from WHA, 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

WHA 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 HAP payments are not made 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.

WHA is not required to pay a late payment penalty if HUD determines that the payment is late for reasons beyond WHA's control. In addition, late payment penalties are not required if delays or denials of payment are intentionally used as a remedy to an owner breach of the HAP contract.

Termination of HAP Payments

Housing assistance payments will continue to be made 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. The owner must:

- Inform WHA when the owner has initiated eviction proceedings against the family and the family continues to reside in the unit;
- Inform WHA when the owner has obtained a court judgment or other process allowing the owner to evict the tenant, and provide 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, HAP payments will continue to be made 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 WHA of the date when the family actually moves from the unit or the family is physically evicted from the unit.

Breach of HAP Contract

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 it is determined that a breach of the HAP contract has occurred, WHA may exercise any of its rights and remedies against the owner under the HAP contract, which includes:

- 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,
- Obtain additional relief by judicial order or action.

The owner will be notified of the determination and will be provided in writing the reasons for the determination. The notice may require the owner to take corrective action by an established deadline. The owner will be provided with written notice of any reduction in housing assistance payments or the termination of the HAP contract.

Before a remedy against an owner is invoked, all information and documents available will be reviewed to determine if the contract has been breached. If relevant, an audit of the owner's records pertaining to the tenancy or unit will be conducted.

If it is determined that the owner has breached the contract, the all of the relevant factors will be considered 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.

HAP Contract Term and Terminations

The term of the HAP contract runs concurrently with the term of the dwelling lease, beginning on the first day of the month, which is 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:

- The owner or the family terminates the lease;
- The lease expires;
- WHA terminates the HAP contract;
- WHA 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 the last housing assistance payment to the owner has been made;
- The family is absent from the unit for longer than the maximum period permitted;
- The Annual Contributions Contract (ACC) between WHA and HUD expires
- WHA 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;

- The unit does not meet HQS size requirements due to change in family composition;
- The unit does not meet HQS;
- The family breaks up;
- The owner breaches the HAP contract.

In all cases, the HAP contract terminates at the end of the calendar month that follows the calendar month in which written notice is given to the owner. The owner is not entitled to any housing assistance payment after this period, and must return 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.

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.

Change in Ownership/Assignment of the HAP Contract

A signed, written request must be received from the existing owner stating the name and address of the new HAP payee and the effective date of the assignment in order to change the HAP payee under an outstanding HAP contract.

The current owner will be informed in writing within 10 business days of receiving the owner's request whether the assignment may take place.

The new owner must provide a written certification that includes:

- A copy of the escrow statement or other document showing the transfer of title and recorded deed;
- A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;
- The effective date of the HAP contract assignment;
- A written agreement to comply with the terms of the HAP contract; and
- Confirmation that the new owner is not a prohibited relative.

If the new owner does not agree to an assignment of the HAP contract or fails to provide the necessary documents, the HAP contract will be terminated 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, the leasing will be processed in accordance with policy.

Owner Debts to WHA

If an action or inaction of an owner or participant results in the overpayment of housing assistance, the owner or participant will be held liable to return any overpayments. WHA will

enter into repayment agreements in accordance with policy as a means to recover overpayments.

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

- Recovery from future HAP payments owed³
- Collection agencies
- Small claims court
- Civil law suit
- State income tax set-off program

Any amount due by an owner must be repaid by the owner within 30 days of the determination of the debt. If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, the future HAP payments will be reduced by the amount owed until the debt is paid in full. If the owner is not entitled to future HAP payments WHA will offer to enter into a repayment agreement in accordance with the policies stated in the Repayment Agreement Guidelines portion of the Rent and Subsidy Calculations section of this policy. If the owner refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, WHA will ban the owner from future participation in the program and pursue other modes of collection.

RENT REASONABLENESS

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable units in the same market area. WHA will develop a range of prices for comparable units by bedroom size within defined market areas. Units proposed for HCV assistance will be compared to the units within this rent range. Because units may be similar, but not exactly like the unit proposed for HCV assistance, WHA may make adjustments to the range of prices to account for these differences. The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom). The adjustment must reflect the rental value of the difference—not its construction costs (e.g., it might cost \$20,000 to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rental units are presumed to have functioning roofs). When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable

project reports rents of \$500/month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows: $\$500 \times 11 \text{ months} = 5500 / 12 \text{ months} = \text{actual monthly rent of } \$488.$

WHA will notify the owner of the rent WHA can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. WHA will confirm the accuracy of the information provided and consider this

additional information when making rent determinations. The owner must submit any additional information within 5 business days of WHA's request for information or the owner's request to submit information.

Complete Rent Reasonableness analysis within 1-2 business days of WHA's

receipt of completed RFTA packet and Owner's Registration. WHA-Owned Units

In cases where an HCV family is receiving assistance in a WHA-owned unit or a unit in which WHA has a substantial interest, the services of an independent entity will be obtained 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 WHA-owned unit is defined as a unit that is owned by PHA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by PHA). The independent agency must communicate the results of the reasonable rent determination to the family and WHA. The independent agency must be approved by HUD and may be the unit of general local government for the jurisdiction or another nearby PHA.

³ This method of collection works only if an owner has multiple properties in the program.

Owner-Initiated Rent Determinations

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, owners may be requested to provide information about the rents charged for other units on the premises, if the premises include more than 4 units. In evaluating the proposed rents in comparison to other units on the premises the unit size and length of tenancy in the other units will be considered.

Where the owner is requesting a rent increase, the WHA will determine whether the requested increase is reasonable, not to exceed 7% of the current contract rent in a 12-month period, within 14 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 month following the 60-day period after the owner notifies the WHA of the rent change or on the date specified by the owner, whichever is later..

WHA and HUD-Initiated Rent Reasonableness Determinations

WHA is required to make a determination of rent reasonableness (even if the owner has not requested a change) if there is a 5 percent decrease in the Fair Market Rent that goes into effect at least 60 days before the contract anniversary date. HUD also may direct WHA to make a determination at any other time and/or WHA may decide that a new determination of rent reasonableness is needed at any time.

In addition to the instances described above, a determination of rent reasonableness will be made at any time after the initial occupancy period if:

1. It is determined that the initial rent reasonableness determination was in error, or
2. It is determined that the information provided by the owner about the unit or other units on the same premises was incorrect.

Establishing Comparability

Factors to Consider

The factors listed below will be taken into consideration when determining rent comparability. These factors will be used 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
-

Units that Must Not be Used as Comparable

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes 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 which are rent-controlled by local ordinance.

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 4 units.

By accepting the HAP payment each month the owner certifies that 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 information regarding rents charged for other units on the premises.

How Market Data is Collected

Data on market rents in the jurisdiction will be collected and updated as needed.. Information sources include newspapers, realtors, market surveys, inquiries of owners and other available sources. The data will be maintained by unit type, 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 24 months old will be eliminated from the database.

How Rents are Determined

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable units in the same market area. A range of prices will be developed for comparable units by bedroom size within defined market areas. Units proposed for HCV assistance will be compared to the units within this rent range. Because units may be similar, but not exactly like the unit proposed for HCV assistance, adjustments may be made to the range of prices to account for these differences.

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas). Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).

The adjustment must reflect the rental value of the difference - not its construction costs (e.g., it might cost \$20,000 to put on a new roof, but the new roof might not make any difference

in what a tenant would be willing to pay because rental units are presumed to have functional roofs).

When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of \$500/month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows: $\$500 \times 11 \text{ months} = 5500 / 12 \text{ months} =$ actual monthly rent of \$488.

The owner will be notified of the rent that can be approved based upon the analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. The accuracy of the information provided will be confirmed and this additional information will be considered when making rent determinations. The owner must submit any additional information within 5 business days of the request for information or the owner's request to submit information.

HOUSING QUALITY STANDARDS

HUD Performance and Acceptability Standards

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. 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
- C O Detectors

Tenant Preference Items

HUD requires enforcement of minimum HQS but also requires that certain judgments about acceptability be left to the family. For example, WHA must ensure that the unit contains the required sanitary facilities, but the family decides whether the cosmetic condition of the facilities is acceptable.

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 that requires the family to restore the unit and, if necessary to 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 that the quality of the work will be acceptable and that any required building permits will be obtained.

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 or the ADA Accessibility Guidelines (ADAAG). Any owner that intends to negotiate a restoration agreement or require an escrow account must submit the agreement(s) for review.

The most significant incentive for owners to make accessibility improvements is the fact that WHA can approve a rent that is 120 percent of the Fair Market Rent when an owner makes such changes to a unit. Additionally, a family with a member who has a disability is less likely to move out of a unit that has been modified to meet their needs.

Additional Local Requirements

Additional quality standards may be imposed as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choice. All variations must be approved by HUD before they can be enforced in WHA inspection criteria. HUD approval is not required if the additions are clarifications of HUD's acceptability criteria or performance standards.

See WHA's Procedure on Housing Quality Standards for additional details.

Life Threatening Conditions

The owner or the family (whichever is responsible) must be notified of corrections required to life threatening conditions. The responsible party must correct life threatening conditions within 24 hours of notification.

The following are considered life threatening conditions:

1. Any condition that jeopardizes the security of the unit;
2. Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling;
3. Natural gas or fuel oil leaks;
4. Any electrical problem or condition that could result in shock or fire;
5. Absence of a working heating system from October 1st through March 31st;
6. Utilities not in service, including no running water;
7. Conditions that present the imminent possibility of injury;

8. Obstacles that prevent safe entrance to or exit from the unit;
9. Absence of a functioning toilet in the unit;
10. No gas in the unit when the unit has gas appliances
11. Inoperable smoke detectors and/or CO detectors, and
12. No refrigeration or ability to cook (working stove or oven).

If an owner fails to correct life threatening conditions as required, the housing assistance payment will be abated and the HAP contract will be terminated. If a family fails to correct a family caused life threatening condition as required, the family's assistance may be terminated.

The owner will be required to repair an inoperable smoke detector/CO detector unless it is determined that 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/CO detector within 24 hours.

Family Responsibilities

The family is responsible for correcting the following HQS deficiencies:

- Tenant-paid utilities not in service
- Failure to provide or maintain family-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

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.

Special Requirements for Children with Environmental Intervention Blood Lead Level

If WHA 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 6 years of age, living in an HCV-assisted unit has been identified as having an environmental intervention blood lead level, a risk assessment of the dwelling unit 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.

The owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations within 30 days after receiving the risk

assessment report or the evaluation from the public health department. If the owner does not complete the “hazard reduction” as required, the dwelling unit is in violation of HQS and action will be taken in accordance with policy.

Violation of HQS Space Standards

If it is determined that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the family must be issued 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, the HAP contract must be terminated in accordance with its terms.

The Inspection Process

WHA conducts the following types of inspections as needed.

- *Initial Inspections.* Initial inspections are conducted 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.
- *Annual Inspections.* Each unit under lease is inspected at least annually to confirm that the unit still meets HQS. The inspection may be conducted in conjunction with the family's annual reexamination but also may be conducted separately.
- *Special Inspections.* 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.
- *Quality Control Inspections.* A sample of units is re-inspected by a supervisor or other qualified individual to ensure that HQS are being enforced correctly and uniformly by all inspectors.

Inspection Costs

The family or owner will not be charged for unit inspections except after two consecutive failed inspections of an assisted unit for the same defects. The owners will be charged the cost for both the inspection and WHA's administrative costs for inspections after the first two fail (original and one (1) follow-up to confirm completion of the deficiencies cited during the original inspection). The WHA will impose a \$50 reinspection fee on the landlord when: 1_ A second reinspection is needed when the landlord's unit fails; and The PHA will impose a \$75 per-unit reinspection fee when: Consistent HQS deficiencies and failures exist across two or more units and require a third reinspection. This charge will be deducted from the Housing Assistance Payment (HAP) of the affected landlord. **WHA imposed reinspection fees will be effective 4/1/26**

In the case of inspections of WHA-owned units, the independent agency will be compensated for ongoing administrative fees for inspections performed.

Notice and Scheduling

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life threatening emergency, reasonable notice is considered to be not less than 48-hours. In the case of a life threatening emergency, as much notice as possible will be provided,

given the nature of the emergency.

Attendance at Inspections by the Owner and the Family

At initial inspection of a vacant unit, WHA will inspect the unit in the presence of the owner or the owner's representative. The presence of the family is permitted but is not required. The family will be strongly encouraged to attend the initial inspection as some less than perfect cosmetic conditions may pass HQS and it is at the tenant's discretion to accept the condition or refuse occupancy of the unit (i.e. carpet stains or wear, older appliances, windows, heating/cooling equipment, other cosmetic conditions, etc.)

The family will be required to sign a checklist and a statement that documents that the family has inspected the unit prior to signing the lease and accepts the unit and the condition of said unit in its current "move in" condition.

Remote Video Inspections

At the WHA's discretion, the WHA may use remote video inspections (RVIs) for all inspection types as an alternative to an onsite inspection. The WHA will not, however, conduct RVIs in pre-1978 units where a child or children under six will reside. For these units, the WHA will conduct an onsite inspection unless the participant requests and RVI as a reasonable accommodation.

Before conducting an RVI, both the WHA and impacted party with legal possession of the unit must agree to its use. Prior to conducting any RVI, the WHA will agree with the relevant parties to use an RVI rather than an onsite inspection. For unoccupied units, this agreement will be between the WHA and the owner. For occupied units, the agreement will be between the WHA and the tenant or other adult household member. In either case, if an agreement cannot be reached, the WHA will conduct an onsite inspection.

When selecting a proxy, the WHA may rely on the owner, property representative, tenant, or any adult associated with tenancy. The proxy will be selected through a mutual decision between the WHA, owner, and family. When selecting the proxy, the WHA will:

Verify that, for properties built before 1978 where a child under six resides or will reside, the proxy has completed the HUD Lead-Based Paint Visual Assessment Training Course;

Ensure the proxy is able to determine whether there is a smell of natural gas, methane, or other noxious gas; and ensure that on the day of the inspection the proxy has a:

- Tape measure or (equipment for scale).
- Working flashlight.
- Circuit analyzer to test the low-voltage operation of electrical lines.
- Means to test smoke and carbon monoxide detectors.
- Temperature gun.

- Smartphone or tablet reliable Internet connection either through 4G or 5G connectivity and sufficient data or reliable Wi-Fi available onsite. The device must have a high camera resolution (megapixels, sensors, and pixel size).

If the WHA cannot identify a proxy that is able to meet the above criteria, the WHA will conduct an in-person inspection. The proxy will live stream the inspection using WHA's designated streaming web-based platform. The RVI may not be recorded.

If at any time it becomes clear that the connection is unreliable, the lighting in the unit is insufficient, the necessary tools are unavailable, the noise level in or outside the unit is unacceptable, or any other circumstances as determined by the inspector, the inspector will record the unit as failed and schedule an in-person inspection.

Initial HQS Inspection

The WHA will complete the initial inspection within 7-10 days of receiving the completed RFTA, determine whether the unit satisfies NSPIRE, and notify the owner and the family of the determination within 15 days after inspection is completed.

In cases where the WHA cannot complete the inspection within 15 days, the file will be documented as to the reason it was not practicable..

Inspection Results and Re-Inspections

If any violations are identified, the owner will be notified of the deficiencies and be given 15 days to correct them. If requested by the owner, the time frame for correcting the deficiencies may be extended for an additional 10 days by the WHA for good cause.

If unit remains in a failed status after 15 days or any approved extension the family will be advised the unit cannot be subsidized under the Voucher Program and be given a new RFTA/briefing package in order to locate and lease another unit.

Utilities

A unit will not pass inspection unless the utilities are in service.

Appliances

If the family is responsible for supplying the refrigerator, the family may comply with this requirement by showing a receipt for a new or used refrigerator from an appliance company. If the refrigerator is from some other source, WHA must inspect and verify that the refrigerator meets HQS standards.

Initial HQS Inspections/ Leasing with NLT Deficiencies (Policy Effective 4/1/26)

At the WHA's discretion, the WHA will authorize tenancy for any unit that fails NSPIRE inspection, if the deficiencies identified during the inspection are non-life-threatening ("NLT"), in situations of urgent and/or extreme need of housing. At the WHA's discretion, the WHA will verify the status of urgent and/or extreme need of housing.

At the WHA's discretion, the WHA will start the Housing Assistance Payments ("HAP") Contract for any unit that fails NSPIRE inspection, if the deficiencies identified during the inspection are non-life-threatening ("NLT").

If conflicting documentation and/or information regarding the status of urgent and/or extreme need of housing is received by the WHA, the WHA will, at its discretion, request additional third-party documentation in accordance with 24 CFR 5.2007(e).

Non-life threatening conditions are defined as any conditions that would fail to meet the housing quality standards under 24 CFR 982.401 and do not meet the definition of life-threatening. Prior to approving assisted tenancy and executing the HAP contract, the WHA will ensure that the unit does not have any life-threatening deficiencies.

The WHA will send written notice to the owner listing any non-life-threatening deficiencies and providing the owner with 30 calendar days, or a WHA-approved extension, to comply with NSPIRE. If the non-life-threatening conditions are not corrected within notice period, the WHA will abate HAP until the unit is in compliance with NSPIRE. The WHA will follow abatement policies listed in Enforcing Owner Compliance.

The owner may be in abatement for a maximum of 90 days before the WHA terminates the HAP contract.

If the initial inspection identifies more than one non-life-threatening deficiency, the WHA will notify the family in writing within 10 business days of the inspection of the deficiencies and offer the family the opportunity to decline to enter into an assisted lease without losing their voucher. The notice to the family will also state that, if the owner fails to correct the non-life-threatening deficiencies, the WHA will terminate the HAP contract, and the family must move to another unit in order to continue receiving assistance.

Initial HQS Inspections/ Leasing with Alternative Inspections (Policy Effective 4/1/26)

The WHA will rely on alternative inspections conducted under low-income housing tax credit (LIHTC) and HOME programs, as well as inspections performed by HUD, provided the unit passed inspection in the last 24 months. In this case, the WHA will approve the assisted tenancy and execute the HAP contract on or before the beginning of the lease term but prior to the WHA conducting an initial NSPIRE inspection.

Upon receipt of the Request for Tenancy Approval (RTA), the WHA will determine if the unit passed an alternative inspection within the previous 24 months.

The WHA will provide the family with a list of life-threatening deficiencies as part of the briefing packet so that the family may immediately notify the WHA of any life-threatening deficiencies found in the unit. The WHA will conduct the NSPIRE inspection within 15 days (for small WHAs) of receiving the RTA.

If the unit passes NSPIRE inspection, the WHA will pay HAP retroactive to the effective date of the HAP contract and the start of the assisted lease term. If the unit does not pass the WHA's NSPIRE inspection because of non-life-threatening conditions, the WHA will follow the WHA's policies on paying HAP for units with non-life-threatening deficiencies. The WHA will notify the owner in writing of any deficiencies, and the owner will have 30 days, or a WHA-approved extension, to correct the deficiencies. If the initial NSPIRE inspection identifies a non-life-threatening deficiency, the WHA will notify the family in writing within 15 days of the inspection of the deficiencies and offer the family the opportunity to decline to enter into an assisted lease without losing their voucher.

If the unit does not pass NSPIRE inspection because of life-threatening deficiencies, the owner must correct the defects within 24 hours.

The WHA will follow policies, Enforcing Owner Compliance, if the owner does not correct the deficiencies within the required time frames listed above. Under no circumstances will the HAP contract continue beyond 180 days of the effective date of the HAP contract if the unit is not in compliance with NSPIRE.

Annual HQS Inspections/Biennial Inspections

The WHA reserves the right to require annual inspections of each unit under HAP Contract.

Each unit under HAP contract must be inspected within at minimum, biennially within 24 months of the last full NSPIRE inspection. If an adult family member cannot be present on the scheduled date, the family should request to have the inspection rescheduled. The new inspection date should take place within 5 business days of the originally scheduled date. The inspection may be scheduled by WHA more than 5 business days after the original date for good cause.

If the family misses the first scheduled appointment without requesting a new inspection date, a second inspection will be automatically scheduled. If the family misses two scheduled inspections without approval, WHA 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.

Special Inspections

A special inspection will be conducted if the owner, family, or another source reports HQS violations in the unit.

During a special inspection, only those deficiencies that were reported will be re-inspected. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the annual inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled WHA may elect to conduct a full annual inspection.

Quality Control Inspections

HUD requires a WHA supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding 3 months. The selected sample will include:

1. Each type of inspection (initial, annual, and special),
2. Inspections completed by each inspector, and
3. Units from a cross-section of neighborhoods.

Inspection Results and Re-Inspections for Units that are Under HAP Contract

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, WHA will determine:

1. Whether or not the failure is a life threatening condition, and
2. Whether the family or owner is responsible.

If any NLT NSPIRE violations are identified, the owner and family will be notified of the deficiencies by telephone, facsimile, or email, and be given 30 days to correct them. If requested by the owner, the time frame for correcting the deficiencies may be extended by the WHA for good cause. The WHA will reinspect the unit within 14 business days of the date the owner notifies the WHA that the required corrections have been made. The family will be held responsible for smoke detector deficiencies due to removal of batteries or abuse or neglect of the smoke detector. All other such conditions will be considered owner issues since the owner is supposed to be enforcing the lease.

Extensions

For conditions that are life-threatening, an extension cannot be granted to the 24-hour corrective action period. For conditions that are not life-threatening, if requested by the owner, the time frame for correcting the deficiencies may be extended by the WHA for good cause. Extensions will be granted in cases where it has been determined that the owner has made a good faith effort to correct the deficiencies and is 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 60 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.

Re-Inspections

A re-inspection will be conducted immediately following the end of the corrective 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, a notice of abatement will be sent to the owner.

HQS inspections that were cited with minor deficiencies will be passed via self-certification and other supporting documentation such as photos, contractor receipts, participant family verification, etc. in lieu of a re-inspection by WHA.

Inspection Results and Re-Inspections for Units that are Under HAP Contract/Alternative Inspections

The WHA may, at its discretion and based on a documented history of threshold performance by the property owner or management entity, accept inspection results conducted by HUD or for the HOME or LIHTC programs as a substitute for standard NSPIRE inspections. Inspections

will only be accepted if HCV units are included in the population of units forming the basis of the sample.

The WHA will not utilize inspection results other than from inspections conducted by HUD or for the HOME or LIHTC programs.

Inspection reports and other data must be provided to the WHA within 5 business days of the inspection. The WHA will review the inspection reports and determine whether the unit will receive a “pass” under NSPIRE within 5 business days. If the WHA determines that the unit does not pass, the WHA will notify the owner and conduct an NSPIRE inspection within 10 business days.

Enforcing Owner Compliance

If the owner fails to maintain the dwelling unit in accordance with HQS, prompt and vigorous action will be taken to enforce the owner obligations.

HAP Abatement

All HAP abatements will be effective the first of the month following the expiration of the specified correction period (including any extension). The abated units will be inspected within 5 business days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

HAP Contract Termination

The maximum length of time that a HAP Contract may be abated is 90 days. However, if the owner completes corrections and notifies WHA before the termination date of the HAP Contract, the termination notice will be rescinded 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 termination is 30 days.

Enforcing Family Compliance with HQS

Families are responsible for correcting any HQS violations. If the family fails to correct a violation within the period allowed (and any extensions) the family's assistance will be terminated. 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 repair.

REEXAMINATIONS, TERMINATIONS, MOVES AND PORTABILITY

ANNUAL REEXAMINATIONS

WHA will 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 will be recalculated. The annual reexamination process will begin 120 days in advance of its scheduled effective date. Annual reexamination effective dates coincide with the family's anniversary date.

Notification of and Participation in the Annual Reexamination Process

Families are required to participate in an annual reexamination interview or completion by an information packet mailed to the family. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact WHA to request a reasonable accommodation.

Notification of annual reexamination interviews and the items participants should bring to the interview or completed and mailed back to WHA will be sent by first-class mail and will contain the date, time, and location of the interview or the date when material must be returned.

If the family is unable to attend a scheduled interview, the family should contact WHA in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, a second notification with a new interview appointment time will be sent.

If a family fails to attend two scheduled interviews without approval, or if the informational packet is returned by the post office with no forwarding address, a notice of termination will be sent to the family's address of record, and to any alternate address provided in the family's file.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and WHA must execute a certification attesting to the role and assistance of any such third party.

Conducting Annual Reexaminations

Families will be asked to supply all required information (as described in the reexamination notice) before the deadlines specified in the notice or bring the information to the reexamination appointment. The required information will include a WHA- reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition. The head of family will also be asked to complete HUD form 92006 – Supplemental and Optional Contact Information for HUD-Assisted Housing Applicants to advise the case manager who to contact to assist in delivery of services or resolving issues during tenancy.

Any required documents or information that the family is unable to provide by the deadline or at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame a phone call to the participant in conjunction with a 5-day notice will be mailed to the participant requesting the information or materials needed. 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.

The information provided by the family must be verified in accordance with the policies in this plan. 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

If the family has added a new member to the unit by birth, adoption or court awarded custody to an existing family member and this causes overcrowding according to the Housing Quality Standards (HQS), the family will be issued a new voucher, and an acceptable unit must be found as soon as possible. If an acceptable unit is available for rental by the family, the HAP contract will be terminated in accordance with its terms.

WHA will run a criminal history check on all adult family members before the reexamination interview. If the check reveals solid evidence of violent or drug related criminal activity or that someone has been convicted of a felony the family's voucher will be terminated.

Effective Dates

An *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

- If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.
- If 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 WHA 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 WHA 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 within this plan.

A *decrease* in the family share of the rent that results from an annual reexamination will take effect on 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 WHA 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 WHA.
- 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.

INTERIM EXAMINATIONS

Family circumstances may change throughout the period between annual reexaminations. **Increases or decreases in income and/or allowable expenses and changes in family composition must be reported to the management office within 10 days of the change.** Not all changes in income or circumstances will result in changes in a family's rent, **and new family members must be approved as described below.**

Effective January 1, 2024, a family may request an interim reexamination of family income or composition because of any changes since the last determination. WHA will conduct any interim reexamination within a reasonable period after the family request or when WHA becomes aware of an increase in family adjusted income as described below. What qualifies as a "reasonable time" may vary based on the amount of time it takes to verify information but generally should not be longer than 30 days after changes in income are reported.

WHA will not conduct an interim reexamination of family income if WHA estimates the family's adjusted income will decrease by an amount that is less than ten percent (10%) of the family's annual adjusted income (or a lower amount established by HUD by notice).

WHA will conduct an interim reexamination of family income when WHA becomes aware that the family's adjusted income has changed by an amount that WHA estimates will result in an increase of ten percent (10%) or more in annual adjusted income or such other amount established by HUD through notice, except:

- WHA may not consider any increase in the earned income of the family when estimating or calculating whether the family's adjusted income has increased, and
- WHA will not conduct an interim reexamination in the last three months of a family's certification period.

Effective Date of Rent Changes

If the family has reported a change in family income or composition in a timely manner, defined by WHA as within 10 days of the change, WHA will provide the family with 30 days advance notice of any rent increases, and such rent increases will be effective the first day of the month beginning after the end of that 30-day period. Rent decreases will be effective on the first day of the first month after the date of the actual change leading to the interim reexamination of family income.

If the family has failed to report a change in family income or composition in a timely manner, defined by WHA as within 10 days of the change, WHA will implement any resulting rent

increases retroactively to the first of the month following the date of the change leading to the interim reexamination of family income. Any resulting rent decrease will be implemented at the first rent period following completion of the reexamination.

WHA wishes to encourage families to improve their economic circumstances, so some changes in family income between reexaminations will not result in a rent change. PHA will process interim changes in rent in accordance with the chart below.

INCOME CHANGE	WHA ACTION
<i>(a) Decrease in income for any reason, <u>except</u> for decrease that lasts less than 30 days, is subject to Imputed Welfare Income rules⁴, or will decrease annual income by less than 10 percent</i>	<ul style="list-style-type: none"> • <i>Process interim rent reduction if income decrease will last more than 30 days, is not subject to Imputed Income rules or is more than 10 percent of annual income. 24 CFR § 5.609</i>
(b) Increase in verified family deductions	<ul style="list-style-type: none"> • <i>Process interim rent reduction if income decrease will last more than 30 days and reduces annual income by more than 10 percent. 24 CFR § 5.609</i>
(c) Increase in income following WHA granting interim rent decrease.	<ul style="list-style-type: none"> • Process interim increase for income increases after interim rent reductions.
(d) Increase in earned income from the employment of a current household member.	<ul style="list-style-type: none"> • <i>Defer rent increase until next regular reexam unless the family has had an interim rent reduction in the reexam period. 24 CFR§ 960.255</i>
(e) Increase in unearned income (e.g. COLA adjustment for social security).	<ul style="list-style-type: none"> • <i>Defer rent increase to the next regular reexam unless the increase is more than 10 percent of annual income</i>
(f) Increase in income because a person with income (from any source) joins the household.	<ul style="list-style-type: none"> Conduct an Interim Redetermination of the family's income and raise the rent.
(g) Increase in income because the family misrepresented their income/circumstances at an Interim or Annual reexamination	<ul style="list-style-type: none"> Conduct an Interim Redetermination of the family's income and raise rent retroactively to the date of the misrepresentation
(h) Increase in monetary or non-monetary income after Voucher Client claims zero income	<ul style="list-style-type: none"> • Process an interim rent increase.

⁴ Decreases in welfare income resulting from welfare fraud or from cuts for failure to comply with economic self-sufficiency requirements are not eligible for rent reductions (**24 CFR § 5.615**).

Changes in Family and Household Composition

New Family Members Not Requiring Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody to a person who is already a family member does not require approval; however, a family must inform WHA of the birth, adoption or court-awarded custody of a child within 10 business days.

New Family and Household Members Requiring Approval

Families must request approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days, within a twelve-month period, and therefore no longer qualifies as a “guest.” Requests must be made in writing and approved prior to the individual moving in the unit. The addition of a foster child or foster adult will not be approved if it will cause a violation of HQS space standards.

Children added through birth, adoption or court awarded custody to an approved family member on the lease will be added even if it overcrowds the unit. This may require the family to move to a larger unit. The addition of other new family or household member will not be approved unless the individual meets the eligibility criteria and the landlord gives written permission for the addition. If it is determined that an individual meets the eligibility criteria, written approval will be sent 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 it is determined that an individual does not meet the eligibility criteria, the family will be notified in writing of the decision to deny approval of the new family or household member and the reasons for the denial. The determination will be made within 10 business days of receiving all information required to verify the individual’s eligibility.

Departure of a Family or Household Member

If a household member, live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform WHA within 10 business days. 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.

Changes Affecting Income or Expenses

Interim reexaminations can be scheduled either because WHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, different actions may be taken depending on whether the family reported the change voluntarily, or because it was required to do so.

WHA-Initiated Interim Reexaminations

WHA will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), an interim reexamination will be conducted at the start and conclusion of the second 12-month exclusion period (50 percent phase-in period).

- If the family has reported zero income, an interim reexamination will be conducted every 90 days as long as the family continues to report that they have no income.
- If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income) an interim reexamination will be scheduled to coincide with the end of the period for which it is feasible to project income.
- If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available.
- An interim reexamination will be conducted at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

Required Reporting

Families are required to report all increases in earned income, including new employment, within 10 business days of the date the change takes effect.

Interim reexaminations will only be conducted when the EID family's share of rent will change as a result of the increase. Otherwise, the information will be noted in the tenant file, but an interim reexamination will not be conducted.

Families are not required to report any other changes in income or expenses.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination. If a family reports a change that it was not required to report and that would result in a decrease in the family share of rent, the interim reexamination will be conducted.

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.

Processing the Interim Reexamination

Notification of changes should be submitted in writing. The family will not be required to attend an interview for an interim reexamination unless it is determined that an interview is warranted.

Any required information or documents must be submitted within 10 business days of receiving a request. This time frame may be extended for good cause with approval. The required documentation will be accepted by mail, by email, by fax, or in person.

Effective Dates

If the family share of the rent is to *increase*:

- The increase will be effective on the first of the month following 30 days' notice to the family.
- If a family fails to report a change that would result in a rent increase 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.

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.

TERMINATION OF ASSISTANCE AND TENANCY

If the amount of HCV assistance provided drops to zero and remains zero for 180 consecutive calendar days the family's assistance terminates automatically. 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 WHA of the changed circumstances and request an interim reexamination before the expiration of the 180-day period.

The family may request to have their assistance terminated at any time. The request should be made in writing⁵ and signed by the head of household, spouse, or co-head. Before terminating the family's assistance, notice requirements will be followed as regulations and policy dictate.

WHA will terminate a family's assistance if:

1. A family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. A family will be considered evicted if the family moves after a legal eviction order has been issued, whether 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, assistance may be terminated if it has been determined that the family has committed serious or repeated violations of the lease based on available evidence.

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 violent or drug related criminal activity and documented repeated police activity/complaints.

⁵ Or other method used by a participant with a disability

2. Any family member fails to sign and submit any consent form they are required to sign for a reexamination.
3. A family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;
4. 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 any of the family members;
5. A family member, as determined by WHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. 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.
6. A participant family fails to provide the documentation or certification required for any family member who obtains a social security number, or joins the family,
7. Any adult household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing. This results in a lifetime ban from assisted housing.
8. Any household member has become subject to a lifetime registration as a sex offender. This results in a lifetime ban from assisted housing.
9. Any household member is currently engaged in any illegal use of a drug, has a pattern of illegal drug use, or has an abuse or pattern of abuse of alcohol that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. All credible evidence will be considered, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.
10. 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. All credible evidence will be considered, including but not limited to, any record of arrests and/or 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.
11. Any adult family member has engaged in violent or drug related criminal activity or has been convicted of a felony since the last reexamination. See the WHA procedure on Criminal Activity and Open Arrests.
12. The family is absent from the unit for more than 180 consecutive calendar days.
13. The family fails to meet its obligations under the Family Self-Sufficiency or Welfare to Work voucher programs.
14. The family has failed to comply with any family obligations under the program.
15. Any family member has been evicted from federally assisted housing in the last five years.

16. Any Housing Authority has ever terminated assistance under the program for any member of the family.
17. Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
18. The family currently owes rent or other amounts to any Housing Authority in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.
19. The family has not reimbursed any Housing Authority for amounts WHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
20. The family has breached the terms of a repayment agreement.
21. A family member has engaged in or threatened violent or abusive behavior toward WHA personnel.
22. As of January 1, 2024, a family will not be eligible for assistance if either of the following apply:
 - a. The family's net assets (as defined in 24 CFR 5.603) exceed \$100,000, as adjusted annually by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, or
 - b. The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property (based on laws of the state or locality in which the property is located) that is suitable for occupancy by the family as a residence. WHA will use 24 CFR 5.618 for exceptions to the real property restriction and to make determinations of whether real property is suitable for occupancy.

When the family's assistance is terminated, the lease and HAP contract terminate automatically. The owner may offer the family a separate unassisted lease.

Consideration of Circumstances

The following factors will be considered when deciding to terminate assistance:

- The seriousness of the case, especially with respect to how it would affect other residents.
- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities.
- 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.

- The applicant will be required 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.

Delay of Eviction or Termination of Assistance

WHA will delay for a period of up to 6 months the initiation of termination proceedings of a family based on noncompliance under this provision, unless it conflicts with other provisions of law, to allow the family to cure its noncompliance with the asset limitation(s). If the family does not cure noncompliance with the asset limitation(s) within the cure period, WHA will initiate termination of assistance 6 months after the effective date of the family's annual or interim recertification.

Protections for Victims of Domestic Violence, Dating Violence, Stalking or Sexual Assault

The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence or stalking:

1. An applicant's or program participant's status as a victim of domestic violence, dating violence, stalking or sexual assault is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
2. An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
3. Criminal activity directly related to domestic violence, dating violence, stalking, or sexual assault engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
4. Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she can be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.
5. The provisions protecting victims of domestic violence, dating violence, stalking or sexual assault engaged in by a member of the household, may not be construed to limit the Owners/Agents (O/A), when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
6. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an O/A can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is

an option, the VAWA notwithstanding. Ultimately, O/As may not subject victims to more demanding standards than other tenants.

7. VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence, stalking or sexual assault.
8. Emergency transfers for VAWA is a federal change that affects both the Public Housing and Section 8 Programs. However, with the Housing Choice Voucher Program the Housing Authority does not own the units. Section 8 will work with the participants and the landlords to terminate the lease and HAP Contract in order to issue the participant another voucher to move to another unit.

Alternatives to Termination of Assistance

Change in Household Composition

As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon request.

Repayment of Family Debts

If a family owes amounts to WHA, as a condition of continued assistance, the family will be required to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice of the amount owed.

Termination of Notice

When termination is initiated by WHA, 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 notification, a 30-day notice will not be given. In these cases, the notice to terminate will be sent at the time WHA learns the family has vacated the unit.

When a family requests to be terminated from the program they must do so in writing or other method needed by a person with a disability. A confirmation notice will be sent to the family and the owner within 10 business days of the family's request, but no later than the termination effective date (as requested by the family).

Notice of Termination Based on Citizenship Status

The notice of termination must:

1. Advise the family of the reasons their assistance is being terminated;
2. That they may be eligible for proration of assistance;
3. The criteria and procedures for obtaining relief under the provisions for preservation of families;

4. 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
5. That they have the right to request an informal hearing either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

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.

TERMINATION OF TENANCY BY THE OWNER

Termination of an assisted tenancy is a matter between the owner and the family; WHA 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.

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.

The owner is permitted to terminate the family's tenancy:

- A. For serious or repeated violations of the terms and conditions of the lease. This includes failure to pay rent or other amounts due under the lease. However, WHA's failure to make HAP payment to the owner is not a violation of the lease between the family and the owner.
- B. If a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.
- C. 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, or if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity:
 - 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 people 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.
- D. If any member of the household is:
 - 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.

E. 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.

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. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, “other good cause” for termination of tenancy by the owner includes:

- 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 rent).

In cases where there is no violation by the tenant, the owner will not be permitted to put the unit back in the program for two years.

Eviction

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 WHA a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give WHA a copy of any eviction notice.

If the eviction action results in a judgment for the owner in court, the owner must provide WHA with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 30 business days following the court-ordered eviction.

Deciding Whether to Terminate Tenancy

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 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. 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 fair housing and equal opportunity provisions in 24 CFR 5.105.

Effect of Termination of Tenancy on the Family's Assistance

If a termination is not due to a serious or repeated violation of the lease, and if WHA has no other grounds for termination of assistance, a new voucher may be issued so that the family can move with continued assistance.

MOVING WITH CONTINUED ASSISTANCE

HUD regulations list five conditions under which an assisted family is allowed to move to a new unit with continued assistance.

- 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 except that pursuant to the Violence Against Women Act. If the family terminates the lease on notice to the owner, the family must provide a copy of the notice to WHA at the same time.
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family. If the family and the owner mutually agree to terminate the lease for the family's unit, the family must provide a copy of the termination agreement.

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family for other than serious or repeated violations of the material provisions of the lease or other good cause. The family must provide a copy of any owner eviction notice.
- WHA has terminated the assisted lease for the family's unit for the owner's breach.
- WHA determines that 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, the family must be issued a new voucher and an acceptable unit must be found as soon as possible. If an acceptable unit is available for the family, the HAP contract must be terminated for the family's old unit in accordance with the HAP contract terms and both the family and the owner must be notified of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which notice is given to the owner.

Restrictions on Moves

A family's right to move is contingent upon the family's compliance with program requirements. If there are grounds for denying or terminating a family's assistance, WHA will act on those grounds in accordance with the regulations and policies set forth in this policy.

Denial of Moves

A family will be denied permission to move on grounds that WHA does not have sufficient funding for continued assistance if:

- A. The move is initiated by the family, not the owner or WHA;
- B. WHA can demonstrate that the move will, in fact, result in higher subsidy costs; and
- C. WHA can demonstrate, through a detailed cost-reduction plan based on reasonable assumptions, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs.

This policy applies to moves within the jurisdiction as well as to moves outside it under portability.

Restrictions on Elective Moves

A family will be denied permission to make an elective move during the family's initial lease term. This policy applies to moves within the jurisdiction or outside it under portability. The family will also be denied permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing within the jurisdiction.

Exceptions will be considered 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, witness protection programs, VAWA),

- To accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or
- To address an emergency situation over which a family has no control.
- To reasonably accommodate a family member who is a person with disabilities.

Moving Process

If a family wishes to move to a new unit, the family must notify WHA and the owner before moving out of the old unit or terminating the lease on notice to the owner. If the family wishes to move to a unit outside the jurisdiction under portability, the notice must specify the area where the family wishes to move. The notices must be in writing or other method used by a person with a disability. A determination will be made within 10 business days following receipt of the family's notification if the move is approvable.

Reexamination of Family Income and Composition

For families approved to move to a new unit within the jurisdiction, a new annual reexamination will be performed.

Voucher Issuance and Briefing

For families approved to move to a new unit within the jurisdiction, a new voucher will be issued within 10 business days of the written approval to move. No briefing is required for these families. 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 WHA approves. Otherwise, the family will lose its assistance.

Housing Assistance Payments

When a family moves out of an assisted unit, WHA may not make any housing assistance payment to the owner for any month after the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance 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 duplicative housing subsidy.

PORTABILITY

Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a HA administering a tenant-based voucher program. The process by which a family obtains a voucher from one HA and uses it to lease a unit in the jurisdiction of another HA is known as portability. The first HA is called the initial HA. The second is called the receiving HA.

The receiving HA has the option of administering the family's voucher for the initial HA or absorbing the family into its own program. Under the first option, the receiving HA bills the

initial HA for the family's housing assistance payments and the fees for administering the family's voucher. Under the second option, the receiving HA pays for the family's assistance out of its own program funds, and the initial HA has no further relationship with the family.

Portability Provisions for VAWA

The Violence Against Women and Justice Department Reauthorization Act of 2005 provides the family to receive a voucher and move in violation of the lease under the portability procedures if the family has complied with all other obligations of the voucher 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 the victim of domestic violence, dating violence, stalking, or sexual assault 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. The family will be allowed to move under portability procedures if the only basis for the denial is that the family is violating the lease agreement.

PORTING OUT OF WHA

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one HA administering a voucher program. If there is more than one HA in the area, WHA may choose the receiving HA.

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside WHA's jurisdiction under portability.

Applicant Families

In determining whether or not to deny an applicant family permission to move under portability because WHA lacks sufficient funding or has grounds for denying assistance to the family, policies established within this Administrative Plan will be followed.

If either the head of household or spouse/co-head of an applicant family lived in the City of Wilmington at the time of the family's application for assistance, the family will be qualified to port as soon as they receive a voucher.

If neither the head of household nor the spouse/co-head of an applicant family had a domicile (legal residence) within the City of Wilmington at the time the family's application for assistance was submitted, the family must live within Wilmington with voucher assistance for at least 12 months before requesting portability.

Exceptions will be considered for purposes of reasonable accommodation. However, any exception to this policy is subject to the approval of the receiving HA.

Participant Families

Portable assistance will not be provided for a participant if a family has moved out of its assisted unit in violation of the lease. WHA will determine whether a participant family may move out of the jurisdiction with continued assistance and will notify the family of its determination in accordance with the regulations and policies set forth within this policy.

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. The family must specify the area to which the family wishes to move.

WHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move. If the applicant family is not income eligible in that area, the family will be informed that it may not move there and receive voucher assistance.

Participant Families

The income eligibility of a participant family is not re-determined if the family moves to a new jurisdiction under portability.

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family. For a participant family approved to move out of its jurisdiction under portability, a reexamination of family income and composition will be conducted 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. Exceptions will be made to this policy necessary to remain in compliance with HUD regulations.

Briefing

No formal briefing will be required for a participant family wishing to move outside the jurisdiction under portability. However, the family will be provided with the same oral and written explanation of portability that is provided to applicant families selected for admission to the program including the name, address, and phone of the contact for the HA in the jurisdiction to which they wish to move. The family will be advised that they will be under the receiving HA's policies and procedures, including subsidy standards and voucher extension policies.

Voucher Issuance and Term

An applicant family has no right to portability until after the family has been issued a voucher. A new voucher is not required for portability purposes.

For families approved to move under portability, a new voucher will be issued within 10 business days of the written approval to move. The initial term of the voucher will be 120 days.

Voucher Extensions and Expiration

No extensions will be approved to a voucher issued to an applicant or participant family porting out of the jurisdiction except under the following circumstances:

- A. The initial term of the voucher will expire before the portable family will be issued a voucher by the receiving HA;
- B. The family decides to return to WHA's jurisdiction and search for a unit there, or

C. The family decides to search for a unit in a third HA's jurisdiction.

To receive or continue receiving assistance under WHA's voucher program, a family that moves to another jurisdiction under portability must be under HAP contract in the receiving HA's jurisdiction within 60 days following the expiration date of WHA's voucher term (including any extensions).

Initial Contact with the Receiving HA

Because the portability process is time-sensitive, WHA will notify the receiving HA by phone, fax, or e-mail to expect the family asking the receiving HA 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. This information will be passed along to the family including the name, address, telephone number, fax and email of the person responsible for processing the billing information if received.

Sending Documentation to the Receiving HA

The following documents will be sent to the receiving HA:

- Form HUD-52665, Family Portability Information, with Part I filled out
- A copy of the family's voucher
- 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
- Copies of the income verifications backing up the form HUD-50058

In addition to these documents, the following information, if available, will be provided to the receiving HA:

- 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
- WHA will notify the family in writing regarding any information provided to the receiving HA.

Initial Billing Deadline

If an initial billing notice is not received from the receiving HA by the deadline specified on form HUD-52665, the receiving HA will be contacted by phone, fax, or e-mail on the next business day. If WHA reports that the family is not yet under HAP contract, the receiving HA

will be informed that a late billing submission will not be honored and any subsequent billings that are received on behalf of the family will be returned. The receiving HA will be sent a written confirmation of the decision by mail.

Monthly Billing Payments

If the receiving HA is administering the family's voucher, WHA is responsible for making billing payments in a timely manner. The first billing amount is due within 30 calendar days after receipt of Part II of form HUD-52665 from the receiving HA. Subsequent payments must be received by the receiving HA no later than the fifth business day of each month. Direct deposit will be utilized to ensure that the payment is received by the deadline unless the receiving HA notifies WHA that direct deposit is not acceptable to them.

Payments under existing portability billing arrangements may not be terminated or delayed as a result of over leasing or funding shortfalls. The tenant-based program must be managed in a manner that ensures that there is financial ability to provide assistance for families that move out of the jurisdiction under portability and are not absorbed by receiving HAs as well as for families that remain within the jurisdiction.

Annual Updates of Form HUD-50058

If WHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving HA. If WHA fails to receive an updated 50058 by the family's annual reexamination date, the receiving HA will be contacted to verify the status of the family.

Subsequent Family Moves

Within the Receiving HA's Jurisdiction

If WHA determines that it must deny moves on the grounds that it lacks sufficient funding, it will notify all receiving HA's with which it has entered into portability billing arrangements that they, too, must deny moves to higher cost units by portable families from WHA's jurisdiction.

Outside the Receiving HA's Jurisdiction

If a portable family is being assisted under a billing arrangement and the family subsequently decides to move out of the receiving HA's jurisdiction, WHA is responsible for issuing the family a voucher while the family is either being assisted or has a voucher from the receiving HA and, if the family wishes to port to another jurisdiction, sending form HUD-52665 and supporting documentation to the new receiving HA. Any extensions of the initial HA voucher necessary to allow the family additional search-time to return to WHA's jurisdiction or to move to another jurisdiction would be at the discretion of WHA.

Denial or Termination of Assistance

If WHA has grounds for denying or terminating assistance for a portable family that has not been absorbed by the receiving HA, WHA may act on those grounds at any time.

PORTING INTO WHA'S JURISDICTION

If a family has a right to lease a unit in our jurisdiction under portability, assistance must be provided for the family. WHA's procedures and preferences for selection among eligible applicants do not apply, and WHA's waiting list is not used. However, the family's unit, or voucher, size is determined in accordance with WHA subsidy standards, and the amount of the family's housing assistance payment is determined in the same manner as for other families.

Initial Contact with Family

When a family moves into our jurisdiction under portability, the family is responsible for promptly contacting WHA and complying with the procedures for incoming portable families. If the voucher issued to the family by the initial HA has expired, the family's paperwork is not processed, but instead the family is referred back to the initial HA.

The initial HA will be notified within 10 business days after a portable family has requested assistance whether the initial HA will be billed on behalf of the portable family or if WHA will absorb the family into its own program.

The family will be given the opportunity for an informal review or hearing if WHA refuses to process or provide assistance to them under portability procedures.

Briefing

The family will be required to attend a briefing and will be given a briefing packet. In addition, the family will be informed orally about payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process. The family will be encouraged to attend a full briefing at a later date.

Income Eligibility and Reexamination

A new reexamination of family income and composition will be conducted and issuing a new voucher will not be delayed for this reason. In addition, approval of a unit for the family will not be delayed until the reexamination process is complete unless the family is an applicant and WHA cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

Verification provided by the initial HA will be relied upon to the extent that;

- A. The family's current circumstances is accurately reflected, and
- B. Verifications were obtained within the last 120 days.

Any new information may be verified by documents provided by the family and adjusted, if necessary, when third party verification is received.

Voucher Issuance

When a family moves into WHA's jurisdiction under portability, the family must be issued a voucher. The family must submit a request for tenancy approval during the term of the voucher.

Timing of Voucher Issuance

When family's port in, a voucher will be issued based on the paperwork provided by the family unless the family's paperwork from the initial HA is incomplete, the family's voucher from the initial HA has expired or the family does not comply with WHA's procedures. The family's information will be updated when verification has been completed.

Voucher Term

The voucher will expire on the same date as the initial HA's voucher.

Voucher Extensions

The term of the voucher that is issued will not be extended to an incoming portable family unless the HA plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in this policy.

Notifying the Initial HA

The initial HA will be notified if the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher. Part II of form HUD-52665, Family Portability Information, will be used for this purpose.

If an incoming portable family ultimately decides not to lease within WHA's jurisdiction but instead wishes to return to the initial HA's jurisdiction or to search in another jurisdiction, the family will be referred back to the initial HA. In such a case the voucher of record for the family is once again the voucher originally issued by the initial HA. Any extension of search time provided by WHA's voucher is only valid for the family's search within its jurisdiction.

Administering a Portable Family's Voucher

Initial Billing Deadline

If a portable family's search for a unit is successful and WHA intends to administer the family's voucher, the initial billing notice (Part II of form HUD-52665) must be submitted to the initial HA:

- A. No later than 10 business days following the date a HAP contract is executed on behalf of the family; and
- B. In time that the notice will be received no later than 60 days following the expiration date of the family's voucher issued by the initial HA. A copy of the family's form HUD-50058, Family Report, will be attached to the initial billing notice.

The initial billing notice will be sent by fax or e-mail, if necessary, to meet the billing deadline. The notice will also be sent by regular mail. If the initial billing is not sent within 10 business

days following the date the HAP contract is executed, the family must be absorbed into WHA's program unless:

- A. The initial HA is willing to accept the late submission, or
- B. HUD requires the initial HA to honor the late submission.

Annual Reexamination

The initial HA will be sent a copy of a portable family's updated form HUD-50058 by regular mail at the same time WHA and owner are notified of the reexamination results.

Change in Billing Amount

The initial HA will be notified via form HUD-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
- Termination of the family from the program

The timing of the notice of the change in the billing amount will correspond with the notification to the owner and the family in order to provide the initial HA with advance notice of the change. Under no circumstances will the notification be later than 10 business days following the effective date of the change in the billing amount.

Late Payments

If the initial HA fails to make a monthly payment for a portable family by the fifth business day of the month, the initial HA will be notified in writing of the deficiency. The notice will 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). A copy of the notification will be sent to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the HA. If the initial HA fails to correct the problem by the second month following the notification, a request may be made by memorandum to the director of the OPH with jurisdiction over the HA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the HAs on the matter must be attached. A copy of the memorandum will be sent to the initial HA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial HA is still responsible for any outstanding payments due to WHA.

Overpayments

WHA is responsible for returning the full amount of the overpayment (including the portion provided for administrative fees) to the initial HA in all cases where billing payments for billing arrangements are no longer in effect.

If HUD determines that billing payments have continued for at least three months because WHA failed to notify the initial HA that the billing arrangement was terminated, the following steps must be taken:

- The full amount of the overpayment, including the portion provided for administrative fees, must be returned to the initial HA.
- Once full payment has been returned, the Office of Public Housing in the HUD area office within WHA's jurisdiction must be notified of the date and the amount of reimbursement to the initial HA.

WHA will be subject to the sanctions at HUD's discretion.

Denial or Termination of Assistance

If WHA elects to deny or terminate assistance for a portable family, the initial HA will be notified within 10 business days after the informal review or hearing if the denial or termination is upheld. The denial or termination decision will be based on and the informal review or hearing will be held in accordance with policies set forth in this policy. The initial HA will be provided with a copy of the review or hearing decision.

Absorbing a Portable Family

An incoming portable family may be absorbed into the program when WHA executes a HAP contract on behalf of the family or at any time thereafter providing that:

- A. WHA has funding available under its annual contributions contract (ACC), and
- B. Absorbing the family will not result in over-leasing.

If a family is absorbed from the point of admission, the admission will be counted against the income targeting obligation.

If WHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the initial HA will be notified 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 WHA decides to absorb a family after that, it will provide the initial HA with 30 days' advance notice.

Following the absorption of an incoming portable family, the family will be assisted with funds available under the consolidated ACC for WHA's voucher program, and WHA will become the initial HA in any subsequent moves by the family under portability.

INFORMAL REVIEWS AND HEARINGS

When WHA makes a decision that has a negative impact on a family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal review; for participants, or for applicants denied admission because of citizenship issues, the appeal takes the form of an informal hearing.

Applicants who are determined ineligible or who failed applicant screening standards are entitled to an informal review if it is requested within 10 days of the letter of Denial. If an applicant fails to respond to a request for information, or keep an appointment, the application is withdrawn, and the applicant is not entitled to an informal review since the withdrawal is not the result of a decision by WHA, but by the applicant's failure to comply with the application requirements.

INFORMAL REVIEWS

Informal reviews are provided for program applicants. Informal reviews are intended to provide a "minimum hearing requirement" and need not be as elaborate as the informal hearing requirements.

Decisions Subject to Informal Review

An informal review will only be offered to applicants for whom assistance is being denied. Denial of assistance includes:

- Denying listing on WHA waiting list;
- Denying or withdrawing a voucher;
- Refusing to enter into a HAP contract or approve a lease;
- Refusing to process or provide assistance under portability procedures.

Notice to the Applicant

The applicant must be given prompt notice of a decision denying assistance. The notice contains a brief statement of the reasons for the decision, and states that the applicant may request an informal review of the decision. The notice describes how to obtain the informal review.

Scheduling an Informal Review

A request for an informal review must be made in writing and delivered either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the denial of assistance.

The informal review will be scheduled and written notification will be sent to the family within 10 business days of the family's request.

Informal Review Procedures

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person. The applicant must be provided an opportunity to present written or oral objections to the decision of WHA. The person conducting the review will make a recommendation, but WHA is responsible for making the final decision as to whether assistance should be granted or denied.

Informal Review Decision

In rendering a decision, the following matters will be evaluated:

- Whether or not the grounds for denial were stated factually in the Notice.

- The validity of grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.
- The validity of the evidence. The facts presented will be evaluated as to whether they prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, WHA will uphold the decision to deny assistance.
- If the facts prove the grounds for denial, and the denial is discretionary, WHA will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

The applicant will be notified of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal review, to the applicant and his or her representative, if any, along with certificate of mailing

INFORMAL HEARINGS FOR PARTICIPANTS

Informal hearings must be offered to participants for certain WHA determinations relating to the individual circumstances of a participant family. The purpose of the informal hearing is to consider whether WHA's decisions related to the family's circumstances are in accordance with the law, HUD regulations and WHA policies.

WHA 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. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease.
- Terminating housing assistance payments under an outstanding HAP contract.
- Refusing to process or provide assistance under portability procedures.

Decisions Subject to Informal Hearing

Circumstances for which the participant family must be given an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the utility allowance schedule.
- A determination of the family unit size under the subsidy standards.
- A determination that a family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the subsidy standards, or the determination to deny the family's request for exception from the standards.
- A determination to terminate assistance for a participant family because of the family's actions or failure to act.
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under WHA policy and HUD rules.

- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or to propose forfeiture of the family's escrow account.

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations.
- General policy issues or class grievances.
- Establishment of the schedule of utility allowances for families in the program.
- A determination not to approve an extension or suspension of a voucher term.
- A determination not to approve a unit or tenancy.
- A determination that a unit selected by the applicant is not in compliance with the HQS.
- A determination that the unit is not in accordance with HQS because of family size.
- A determination to exercise or not to exercise any right or remedy against an owner under a HAP contract.

Informal Hearing Procedures

Notice to the Family

In cases where an informal hearing must be offered, the notice to the family will include all of the following:

- The proposed action or decision.
- A brief statement of the reasons for the decision including regulatory reference.
- The date the proposed action will take place.
- A statement of the family's right to an explanation of the basis for WHA's decision.
- A statement that if the family does not agree with the decision the family may request an informal hearing of the decision.
- A deadline for the family to request the informal hearing.
- To whom the hearing request should be addressed.
- A copy of the hearing procedures.

Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the decision or notice to terminate assistance.

The informal hearing will be scheduled, and written notification will be sent to the family within 10 business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Requests to reschedule a hearing

must be made orally or in writing prior to the hearing date. At its discretion, WHA may request documentation of the “good cause” prior to rescheduling the hearing.

If the family does not appear at the scheduled time and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact WHA within 24-hours of the scheduled hearing date, excluding weekends and holidays. The hearing will be rescheduled only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Pre-Hearing Right to Discovery

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date

WHA must be given an opportunity to examine any family documents that are directly relevant to the hearing prior to the hearing. Whenever a participant requests an informal hearing, a letter will be mailed to the participant requesting a copy of all documents that the participant intends to present or utilize at the hearing. The participant must make the documents available no later than 12:00 p.m. on the business day prior to the scheduled hearing date.

Participant’s Right to Bring Counsel

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

Informal Hearing Officer

WHA has designated the Assistant Administrator of New Castle County HCV Program to serve as our hearing officer.

Attendance at the Informal Hearing

Hearings may be attended by a hearing officer and the following applicable persons:

- A WHA representative and any witnesses for WHA
- The participant and any witnesses for the participant
- The participant’s counsel or other representative
- Any other person approved as a reasonable accommodation for a person with a disability

Conduct at Hearings

The hearing officer is responsible for managing the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

Evidence

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

- Oral evidence: the testimony of witnesses
- Documentary evidence: Written material that is relevant to the case, for example, a letter written to WHA. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.
- Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.
- Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If either WHA or the family fail to comply with the discovery requirements described above, the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

Hearing Officer's Decision

In rendering a decision, the hearing officer will consider the following matters:

- Notice to the Family: The hearing officer will determine if the reasons for WHA's decision are factually stated in the Notice.
- Discovery: The hearing officer will determine if WHA and the family were given the opportunity to examine any relevant documents in accordance with WHA policy.
- Evidence to Support the Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support WHA's conclusion.
- Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and WHA policies. If the grounds for termination are not specified in the regulations or in compliance with WHA policies, then the decision will be overturned.

The hearing officer will issue a written decision to the family and WHA no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

- Name of the participant;
- Date, time and place of the hearing;
- Name of the hearing officer;
- Name of WHA representative; and
- Name of family representative (if any).

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.
- **Findings of Fact:** The hearing officer will include all findings of fact, based on a preponderance of the evidence. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
- **Conclusions:** The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold WHA's decision.
- **Order:** The hearing report will include a statement of whether WHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct WHA to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct WHA to restore the participant's program status.

Procedures for Rehearing or Further Hearing

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of WHA will take effect and another hearing will not be granted.

In addition, within 10 business days after the date the hearing officer's report is mailed to WHA and the participant, WHA or the participant may request a rehearing or a further hearing. Such request must be made in writing and postmarked or hand-delivered to the hearing officer and to the other party within the 10 business day period. The request must demonstrate cause, supported by specific references to the hearing officer's report, why the request should be granted.

A rehearing or a further hearing may be requested for the purpose of rectifying any obvious mistake of law made during the hearing or any obvious injustice not known at the time of the hearing.

It shall be within the sole discretion of WHA to grant or deny the request for further hearing or rehearing. A further hearing may be limited to written submissions by the parties, in the manner specified by the hearing officer.

Notice of Final Decision

WHA will mail a “Notice of Final Decision” including the hearing officer’s report, to the participant and their representative. This Notice will be sent by first-class mail, postage pre-paid with an affidavit of mailing enclosed. The participant will be mailed the original “Notice of Final Decision” and a copy of the proof of mailing. A copy of the “Notice of Final Decision” along with the original proof mailing will be maintained in WHA’s file.

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 hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or WHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance

The notice of denial or termination of assistance for noncitizens must advise the family:

- That financial assistance will be denied or terminated and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a participant, the criteria and procedures for obtaining relief and the provisions for preservation of families.
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing 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.

USCIS Appeal Process

When notification is received that the USCIS secondary verification failed to confirm eligible immigration status, WHA must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS

results. The request for appeal must be made by the family in writing directly to USCIS. The family must provide WHA with a copy of the written request for appeal and the proof of mailing.

WHA will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results. The family must provide WHA with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to WHA, of its decision. WHA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that WHA provide a hearing. The request for a hearing must be made either within 30 days of receipt of the notice of denial or termination, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

WHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

Evidence

The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of documents no later than 12:00 p.m. on the business day prior to the hearing.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by WHA, and to confront and cross-examine all witnesses on whose testimony or information WHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or WHA, as may be agreed upon by the two parties.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. WHA will not provide a transcript of the hearing.

Hearing Decision

WHA must provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The decision must state the basis for the decision.

Retention of Documents

WHA must retain for a minimum of 5 years the following documents that may have been submitted to WHA by the family, or provided to WHA as part of the USCIS appeal or the informal hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for an USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

PROGRAM ADMINISTRATION

PREVENTING, DETECTING AND INVESTIGATING ERRORS AND PROGRAM ABUSE

WHA anticipates that many families, owners, and employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the HCV program is administered effectively and according to the highest ethical and legal standards, a variety of techniques will be used to ensure that both errors and intentional program abuse are rare.

- Program compliance and integrity issues will be discussed during the voucher briefing sessions.
- Each applicant and participant will be provided 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.
- A warning statement about the penalties for fraud will be placed on key forms and form letters that request information from a family or owner.

- Staff will be required to review and explain the contents of all required forms prior to requesting family member signatures.
- First-time owners (or their agents) will be required to participate in a briefing session on HAP contract requirements.
- Each employee will be provided with the necessary training on program rules and the organization's standards of conduct and ethics.

Quality Control and Analysis of Data

Under the Section 8 Management Assessment Program (SEMAP), HUD requires a random sample of tenant records be reviewed 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.

In addition to the SEMAP quality control requirements, a variety of methods will be used to detect errors and program abuse.

- Available sources of up-front income verification will be used to compare with family-provided information.
- At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.
- Family-reported income and expenditures will be compared to detect possible unreported income.

Independent Audits and HUD Monitoring

The results reported in any IPA or HUD monitoring reports will be used to identify potential program abuses as well as to assess the effectiveness of error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

Staff, program participants, and the public are encouraged to report possible program abuse.

Investigating Errors and Program Abuse

All referrals, specific allegations, complaints, and tips will be reviewed from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order to investigate, the allegation must contain at least one independently-verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

Inconsistent information related to the family that is identified through file reviews and the verification process will be investigated.

Consent to Release of Information

Possible instances of error or abuse will be investigated using all available WHA and public records. If necessary, HCV families will be required to give consent to the release of additional information.

Analysis and Findings

Evaluations will be based on a preponderance of the evidence collected during an investigation. For each investigation the following will be determined:

1. Whether an error or program abuse has occurred
2. Whether any amount of money is owed
3. What corrective measures or penalties will be assessed

Consideration of Remedies

In the case of family-caused errors or program abuse, the following will be taken 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, the following will be taken 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.

Notice and Appeals

The relevant party will be informed in writing of the findings and remedies within 10 business days of the conclusion of the investigation. The notice will include:

1. A description of the error or program abuse,
2. The basis on which the error or program abuses were determined,
3. The remedies to be employed, and
4. The family's right to appeal the results through the informal review or hearing process, if applicable.

ADMINISTRATIVE FEE RESERVE

WHA must maintain an administrative fee reserve for the program to pay program administrative expenses in excess of administrative fees paid by HUD for a fiscal year. If funds in the administrative fee reserve are not needed to cover administrative expenses, these funds may be used for other housing purposes permitted by Federal, State and local law and authorized by WHA's Board of Commissioners.

If WHA has not adequately administered any Section 8 program, HUD may prohibit use of funds in the administrative fee reserve, and may direct WHA 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.

Expenditures from the administrative fee reserve will be made in accordance with all applicable Federal requirements. Expenditures will not exceed \$10,000 per occurrence without the prior approval of WHA's Board of Commissioners.

SETTING PROGRAM STANDARDS AND SCHEDULES

Copies of the payment standard and utility allowance schedules are available for review in the Section 8 office during normal business hours. 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. Documentation will be maintained to support the annual review of payment standards and utility allowance schedules. This documentation will be retained for at least 3 years.

PAYMENT STANDARDS

The Payment Standards is used to calculate the HAP for a family. In accordance with HUD regulations and at WHA's discretion, the Voucher Payment Standard (VPS) amount is set by WHA between 90 and 110% of the HUD published Small Area Fair Market Rents (SAFMR). This is considered the basic range. WHA reviews the appropriateness of the VPS annually when the SAFMRs are published. In determining whether a change is needed, WHA will ensure that the VPS is always within the range of 90 percent to 110 percent of the new SAFMR, unless an exception payment standard has been approved by HUD. WHA will establish a single VPS amount for each SAFMR zip code area in WHA's jurisdiction. For each SAFMR zip code area, WHA will establish amounts for each unit size. WHA may provide a higher VPS within WHA's jurisdiction if needed to expand housing opportunities outside areas of minority and/or poverty concentration, as long as the VPS is within 90-110% of SAFMR range.

Updating Payment Standards

To ensure the payment standards are always within the "basic range" the following factors will be considered when determining whether an adjustment should be made to the payment standard schedule:

- **Funding Availability:** The budget will be reviewed to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. The number of families who could be served under revised payment

standard amounts will be compared 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, an increase to the payment standard will be considered. In evaluating rent burdens, families renting a larger unit than their family unit size will not be included.
- **Quality of Units Selected:** The quality of units selected by participant families will be reviewed 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:** A sample of the units may be reviewed to determine how often owners are increasing or decreasing rents and the average percent of increases/decreases by bedroom size.
- **Unit Availability:** The availability of units for each unit size, particularly in areas with low concentrations of poor and minority families will be reviewed.
- **Lease-up Time and Success Rate:** 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 will be reviewed.

Changes to payment standard amounts will be effective on September 1st of every year unless, based on the proposed FMRs, it appears that one or more of WHA's current payment standard amounts will be outside the basic range when the final FMRs are published. In that case, the payment standards will be effective October 1st instead of September 1st.

If reexaminations that will be effective on or after October 1st have already been processed, and the effective date of the payment standards is October 1st, retroactive adjustments will be made to any such reexaminations if the new payment standard amount is higher than the one used at the time the reexamination was originally processed.

Exception Payment Standards

HUD approval must be requested 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 Housing Authority 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. WHA may approve a higher VPS within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

Unit-by-Unit Exceptions

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. In order to approve an exception, or request an exception from HUD, it must be determined that:

- There is a shortage of affordable units that would be appropriate for the family;
- The family's TTP would otherwise exceed 40 percent of adjusted monthly income; and
- The rent for the unit is reasonable.
- WHA may approve a payment standard up to 120 percent of the FMR without HUD approval as a reasonable accommodation for a person with a disability who needs changes to the unit to accommodate the disability.

"Success Rate" Payment Standard Amounts

If a substantial percentage of families have difficulty finding a suitable unit, a "success rate payment standard" that applies to the entire jurisdiction may be requested. If approved by HUD, a success rate payment standard allows payment standards to be set at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, WHA 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;
- The payment standards for all unit sizes, and for the entire jurisdiction, had been established at 110 percent of the published FMR; and
- The Housing Authority had a policy of allowing voucher holders who made sustained efforts to locate units at least 90 days to search for a unit.

Although HUD approves the success rate payment standard for all unit sizes in the FMR area, WHA may choose to adjust the payment standard for only some unit sizes in all, or a designated part, of WHA's jurisdiction within the FMR area.

Decreases in the Payment Standard Below the Basic Range

HUD approval may be requested 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. In situations where the adoption of new VPS based on HUD's SAFMR will cause a decrease in the VPS amount during the existing HAP contract term, WHA will take the following action:

WHA will change to the lower VPS based on the SAFMRs to calculate the family's HAP. This change will begin at the effective date of the family's second regular reexamination following the effective date of the decrease in the VPS.

UTILITY ALLOWANCES

A utility allowance schedule is used in determining family share and subsidy. A utility allowance schedule must be maintained 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, normal patterns of consumption for the community as a whole, and current utility rates must be used.

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, utilities and other housing services must be classified according to the following general categories: space heating; air conditioning; 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.

Families will receive the appropriate utility allowance for the lesser of the size of dwelling unit leased by the family or the voucher size issued, as determined under the subsidy standards.

In cases where a reasonable accommodation has been provided to a family that includes a person with disabilities, the family will receive the appropriate utility allowance for the size of the dwelling unit leased by the family.

Air Conditioning

An allowance for air conditioning is included in the schedule. Central air conditioning or a portable air conditioner must be present in a unit before this allowance is applied to a family's rent and subsidy calculations.

Reasonable Accommodation

HCV program regulations require approval of a utility allowance amount higher than shown on the schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability.

Utility Allowance Revisions

The schedule of utility allowances must be reviewed each year, and the schedule must be revised 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.

Information supporting the annual review of utility allowance and any revisions made in the utility allowance schedule will be maintained.

RECORD RETENTION AND RECORDS MANAGEMENT

During the term of each assisted lease, and for at least three years thereafter, the following must be kept:

- A copy of the executed lease;
- The HAP contract; and
- The application from the family.
- 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;
- Accounts and other records supporting budget and financial statements for the program;
- Records to document the basis for determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.

If a participant family continues to lease a unit for longer than three years the active lease and HAP contract must be kept in the file until the family moves or leaves the program.

If an informal hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents.

All applicant and participant information will be kept in a secure location and access will be limited to authorized staff. WHA 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

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 at admission. Further, as

children in the family turn 18 or adults are added to the family with the owner's and PHA's permission they must sign the HUD form 9886. 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 WHA may release the information collected.

Upfront Income Verification (UIV) Records

Upfront Income Verification (UIV) System WHA Security Procedures, as issued by HUD, have been adopted to access UIV data through HUD's EIV System and to ensure that all UIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper).

Criminal Records

WHA will run criminal history checks on all adult family members at application and before each annual reexamination (even if the family is on a 3 year income redetermination schedule). The purpose of this action is to ensure that WHA and its participating families are in compliance with the statutory prohibition against providing assistance to individuals engaged in violent or drug-related criminal activity or those convicted of a felony.

WHA may only disclose the criminal conviction records that are received from a law enforcement agency to officers or employees of WHA, or to authorized representatives who have a job-related need to have access to the information.

A system of records management has been established and implemented that ensures that any criminal record received 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 action without institution of a challenge or final disposition of any such litigation.

A system of records management has been established and implemented that ensures that any sex offender registration information received 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 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 HA other than under 24 CFR 5.905.

Medical/Disability Records

WHA is not permitted to inquire about the nature or extent of a person's disability, nor about a person's diagnosis or details of treatment for a disability or medical condition is. If WHA receives a verification document that provides such information, this information will not be placed in the tenant file, the document will be destroyed.

Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level

WHA will report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.

SPECIAL HOUSING TYPES

Families will not be permitted to use any special housing types, unless use is needed as a reasonable accommodation so that the program is readily accessible to a person with disabilities. Special housing types include:

- Single room occupancy (SRO)
- Homeownership

SINGLE ROOM OCCUPANCY

Single room occupancy (SRO) units provide living and sleeping space for the exclusive use of the occupant but require 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.

Payment Standard, Utility Allowance, and HAP Calculation

The payment standard for SRO housing is 75 percent of the 0-bedroom payment standard amount on WHA'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.

Housing Quality Standards (HQS)

HQS requirements described previously 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 that protects 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.
 - *Sanitary Facilities:* At least one flush toilet that 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.

HOMEOWNERSHIP

The voucher program is WHA's most valuable tool in fostering homeownership. In the operation of its HUD-approved Section 32 Homeownership program, WHA will take maximum advantage of the opportunities provided by the HCV program:

- a. In each fiscal year a number of vouchers (to be determined by program staff) will be set aside for qualified homebuyers, who may be public housing families or current voucher holders;
- b. If a public housing family is awarded a homeownership voucher and subsequently decides not to pursue homeownership, the family must relinquish the voucher as soon as a public housing unit is available for the family to move back to;
- c. All families who wish to be considered for homeownership must enroll in the Family Self Sufficiency program;
- d. Preparing families for homeownership (credit repair, pre-purchase counseling, etc.) will be conducted by Resident Services homeownership staff;
- e. The actual sale of both PH scattered site properties and other qualified units will be administered by the HCV homeownership staff.

PROJECT-BASED VOUCHERS

Project-Based Program (See Project-based Voucher Addendum)

WHA shall allocate up to 20% of its tenant-based Housing Choice Vouchers for special programs under HUD's project-based voucher program. WHA administers vouchers that are

provided to families under specified criteria. Families that participate in the Project-based Program are eligible to receive a voucher to relocate after one year only if WHA has sufficient funds to cover the cost of the voucher. Families must provide a written request to relocate.

1. Project-Based Vouchers for Persons with Special Needs: WHA may periodically advertise its intent and solicit landlords and social service providers to provide housing opportunities for families and individuals with special needs. This might include housing for seniors and persons with disabilities, permanent supportive housing for the homeless and housing for the formerly incarcerated who have completed WHA-approved housing readiness programs.

Such solicitations shall be advertised and selected as required by HUD regulations.

2. Project-Based Vouchers may be provided to properties designated to receive Low Income Housing Tax Credits through the state's competitive program. This award is not required to be a competitive solicitation because the LIHTC program satisfies the competition requirement.
3. Replacement of ACC units demolished or sold.

Program Administration

WHA will maintain the waiting list for all project-based vouchers awarded, will certify applicant families and will conduct all annual reexaminations as required by program regulations.

WHA-owned properties with project-based vouchers will have all inspections and rent reasonableness determinations conducted by an independent HUD-approved entity as required by HUD rules.

RENTAL ASSISTANCE DEMONSTRATION (RAD) VOUCHERS

Properties under the Rental Assistance Demonstration (RAD) do not count against the 20 percent limitation on project-based assistance. Rather, every approved RAD unit is eligible to receive either project-based vouchers or project-based rental assistance. WHA has opted for project-based vouchers.

WHA has two properties approved for RAD – Lincoln Towers and Riverside. At Lincoln Towers the conversion is complete and the property is in management. At Riverside, a phased redevelopment, the first phase has just closed and construction will begin shortly.

WHA is pledged to comply with all HUD requirements related to conversion of public housing properties to the Rental Assistance Demonstration, including all provisions related to the protection of tenant rights and civil rights.

DEFINITIONS USED IN THIS PLAN

Absent Head or Spouse – An employed head, spouse absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Absorption – In portability, the point at which a receiving Housing Authority stops billing the initial Housing Authority for assistance on behalf of a portability family. The receiving Housing Authority uses funds available under the receiving Housing Authority's consolidated ACC.

Actual and Imminent Threat (VAWA) refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. 24 CFR § 5.2003

Abusive or Violent Behavior towards WHA 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.

Accessible – Can be approached, entered, and used by individuals with mobility impairments (24 CFR §8.32 and 40)

Accessible Route – A continuous unobstructed path connecting accessible elements and spaces in a building or facility that complies with the space and reaches requirements of applicable standards. (24 CFR § 8.32)

Adaptability – Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types & degrees of disability.

Adjusted Income – Annual income (as determined by the responsible entity) of the members of the family residing or intending to reside in the dwelling unit, after making the applicable deductions (24 CFR 5.611)

Administrative Fee – Is a fee paid by HUD to the Housing Authority for administration of the program.

Administrative Fee Reserve (Formerly "Operating Reserve") – An account established by the Housing Authority from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

Admission – The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

Allowable Medical Expenses – Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income that are not reimbursed from any other source.

Anniversary Date – 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, a new annual reexamination will be performed. The HA also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

Annual Budget Authority – Is the maximum annual payment of Housing Assistance Payments by HUD to a Housing Authority for a funding increment.

Annual Contributions Contract (ACC) – A written contract between HUD and a Housing Authority. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program

Annual Income – All amounts, not specifically excluded, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age. When the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, annual income includes imputed returns on the asset based on the current passbook savings rate, as determined by HUD.

Annual Income After Allowances – The Annual Income less the HUD-approved allowances.

Applicant – Someone who has applied for admission to the program, but is not yet a participant in the program.

"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 – Cash (including checking accounts), stocks, bonds, savings, or equity in real property, which does not include the value of personal property such as furniture, automobiles and household effects. IMPORTANT: See definition of Net family Assets, used to compute annual income.

Assisted Tenant – A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

Auxiliary Aids - Services or devices that enable individuals with impaired oral, visual, auditory, or manual skills to have an equal opportunity to participate in and enjoy the benefits, programs or activities. (24 CFR § 8.3)

Budget Authority – An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in a HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

Business Expansion – 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 – The principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the HA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Care attendant - a person that regularly visits the apartment of a WHA resident to provide supportive or medical services. Care attendants are not live-in aides, since they have their own place of residence (and if requested by WHA must demonstrate separate residence) and do not live in the public housing or HCV apartment. Care attendants have no rights of tenancy.

Child - Is 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 that such amounts are not reimbursed. The amount deducted will reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted will not exceed the amount of employment income that is included in annual income. (24 CFR 5.603)

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. However, child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses.

Citizen - A citizen (by birth or naturalization) or national of the United States. (24 CFR 5.504)

Co-Head - An individual in the household who is equally responsible for the lease with the Head of Household. There may be a co-head or a spouse, but not both. A co-head never qualifies as a dependent.

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

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

Continuously Assisted - An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

Contract - See Housing Assistance Payments Contract

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.

Criminal Activity – Actions that are considered a threat to the community and violate a law. These actions are categorized as violent crimes against individuals and property, and drug related offenses..

Currently Engaged In – Any use of illegal drugs during the previous six months.

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 will be determined based on a consideration of the following factors: the length of the relationship; the type of the relationship; and the frequency of interaction between the persons involved in the relationship.

Day Laborer – *An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future*

Dependent- *A member of the family (which excludes foster children and foster adults), other than the family head or spouse, who is under 18 years of age, or 18 years of age or older and disabled, or a full-time student. 24 CFR § 5.603*

Disability Assistance Expense – Anticipated costs for care attendants and auxiliary apparatus for disabled family members that enable a family member (including the disabled family member) to work.

Disabled – There are two definitions of *disability* that apply to the Section 8 program:

For the provision of reasonable accommodations, disability is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairments; or is regarded as having such impairment. The definition of a person with disabilities does not include current illegal drug users and persons who objectively pose a direct threat to health or safety.

For purposes of determining Eligibility, disability is defined as a person who meets one of the three following definitions:

1. Is disabled as defined in 42 U.S.C. 423 (the Social Security definition);
2. Is determined to have a physical, mental or emotional impairment that
 - is expected to be of long-continued and indefinite duration; and
 - Is substantially impeded in his or her ability to live independently; and
 - Is of such nature that the ability to live independently could be improved by more suitable housing conditions; or
3. Has a developmental disability as defined in 42 U.S.C. 6001

Persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome are not excluded.

For purposes of qualifying for Section 8 programs, where eligibility is linked to disability status, a person whose disability is based solely on any drug or alcohol dependency is excluded.

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 the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603)

Disabled Family – Is a family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. Do not consider the expenses of foster children or adults or live-in aides. (24 CFR 5.403)

Displaced Person/Family – A person or family 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 under federal disaster relief laws.

Divestiture Income – Imputed income from assets, including business assets, disposed of by an applicant or resident in the last two years at less than fair market value. (See the definition of Net Family Assets)

Domestic Violence – Includes felony or misdemeanor crimes of violence, not including acts of self-defense, 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, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction, (Violence Against Women Act of 1998)

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

Drug – A controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-Related Criminal Activity – The illegal manufacture, sale, distribution, or use of a drug with intent to manufacture, sell, distribute, or use the drug. (24 CFR 5.100) Drug violations include selling drugs, using or possessing drugs, other violations of drug laws, or providing shelter in a unit for anyone involved in violation of drug laws.

Drug Trafficking – The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Earned Income – *Income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, SSI, and governmental subsidies for certain benefits) or any cash or in-kind benefits.* (24 CFR 984.103)

Earned Income Disallowance– Earned income excluded from annual income calculations when a previously unemployed household member becomes employed. Earned Income Exclusions are limited to a total of 24 cumulative months, over a period of not more than 24 consecutive months. (24 CFR 5.609 (F))

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, spouse or sole member is at least 62 years of age, or two or more persons at least 62 years of age living together, or one or more persons at least 62 years of age living with one or more live-in aides.

Elderly Person – Is an individual who is at least 62 years of age. (24 CFR 5.100)

Eligible Immigration Status – For a non-citizen, verification of immigration status eligible for assisted housing consisting of a signed certification and the original copy of an acceptable INS document. 24 CFR § 50508

Evidence of Citizenship or Eligible Status – Are the documents which must be submitted to evidence citizenship or eligible immigration status.

Extremely Low Income Family – A family whose annual income does not exceed 30 percent of the area median income or the federal poverty level, whichever is higher adjusted for smaller and larger families.

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

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

Family – *Includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity or marital status: 24 CFR §§ 5.403*

- *A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person.*
- *An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age, and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 USC 674(5)(H), and is homeless or is at risk of becoming homeless at age 18 or older; or*
- *A group of persons residing together, and such group includes but is not limited to:*
 - *A family with or without children (a child who is temporarily away from home because of placement in foster care is considered a member of the family).*
 - *An elderly family*
 - *A near elderly family*

- *A disabled family*
- *A displaced family and*
- *The remaining member of a tenant family.*

Live-in Aides (Definition #37) may also be considered part of the applicant's/participant's household. However, live-in aides are not family members (even if related) and have no rights as "remaining family members".

Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. These individuals are household members but are not family members and have no rights as "remaining family members".

For purposes of continued occupancy: the term family also includes the remaining member of a resident family with the capacity to execute a lease.

Family Rent to Owner – In the voucher program, the portion of the rent to owner paid by the family.

Family Self-Sufficiency Program (FSS Program) – Is the program established by a Housing Authority to promote self-sufficiency of assisted families, including the provision of supportive services.

Family Share – The amount calculated by subtracting the housing assistance payment from the gross rent.

FMR/Exception Rent – The fair market rent published by HUD headquarters. In the voucher program the HA adopts a payment standard schedule that is within 90% to 110% of the FMR for each bedroom size.

Foster Adult – *– A member of the household (but not the family) who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgement decree, or other order of any court of competent jurisdiction.*

Foster Children – *a member of the household (but not the family) who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree or other order of any court of competent jurisdiction.*

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). (24 CFR 5.603)

Funding Increment – Each commitment of budget authority by HUD to a HA under the consolidated annual contributions contract for the HA program.

Good Cause – An unavoidable conflict which seriously affects the health, safety or welfare of the family.

Gross Rent – Is the sum of the Rent to Owner and the utility allowance. If there is no utility allowance because the owner pays all utility bills, Rent to Owner equals Gross Rent.

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

Guest – A person who is temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. (24 CFR 5.100) The requirements of the lease apply to a guest as defined as well.

HAP Contract – See Housing Assistance Payments contract

Head of Household – The one adult member of the household, designated by the family as the head of household, who is held responsible and accountable for the family.

Health and medical care expenses – *Any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed*

Household – Includes everyone who lives in the unit, including foster children/adults and live-in aides. Household members are used to determine unit size.

Housing Agency – A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. ("PHA" and "HA" mean the same thing.)

Housing Assistance Payment – The monthly assistance payment by a HA. The total assistance payment consists of:

- A payment to the owner for rent to owner under the family's lease.
- An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

Housing Assistance Payments Contract (HAP Contract) – A written contract between a HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

Housing Assistance Plan – (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

Housing Quality Standards (HQS) – The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD – The Department of Housing and Urban Development

HUD Requirements (for the Section 8 programs) – HUD requirements are issued by HUD headquarters as regulations via Federal Regulations or other binding program directives.

Immediate Family Member – A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or any other person living in the household of that person and related to that person by blood or marriage.

Immediate Vicinity – Is within a three-block radius of the premises.

Imputed Asset – Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Imputed Income – HUD passbook rate x total cash value of assets; Calculation used when assets exceed \$5,000.

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.

Incremental Earnings and Benefits – 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.

Independent contractor – *An individual who qualifies as an independent contractor instead of an employee in accordance with the IRS Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work, and not what will be done and how it will be done*

Individual with Disabilities, Section 504 definition 24 CFR § 8.3

Section 504 definitions of Individual with Handicaps and Qualified Individual with disabilities are not the definitions used to determine program eligibility. Instead, use the definition of “Person with Disabilities” as defined later in this section. Note: the Section 504, Fair Housing, and Americans with Disabilities Act (ADA) definitions are similar. ADA uses the term “individual with a disability”.

Individual with disabilities means any person who has:

A physical or mental impairment that:

- a. substantially limits one or more major life activities;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

For purposes of housing programs, 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.

Definitional elements:

“physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; 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” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

“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.

“Is regarded as having an impairment” means 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; or

Has a physical or mental impairment that substantially limits one or more major life activities only as result of the attitudes of others toward such impairment; or

Has none of the impairments defined in this section but is treated by a recipient as having such an impairment.

NOTE: A person would be covered under the first item if WHA refused to serve the person because of a perceived impairment and thus “treats” the person in accordance with this perception. The last two items cover persons who are denied the services or benefits of WHA’s housing program because of myths, fears, and stereotypes associated with the disability or perceived disability.

The 504 definition of disability does not include homosexuality, bisexuality, or transvestitism. Note: These characteristics do not disqualify an otherwise disabled applicant/resident from being covered.

The 504 definition of individual with disabilities is a civil rights definition. To be considered for admission to public housing a person must meet the program definition of person with disabilities found in this section.

Initial PHA – In portability, the term refers to both:

- A HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and
- A HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

Initial Payment Standard – Is 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.

INS – The U.S. Immigration and Naturalization Service

Jurisdiction – The City of Wilmington, Delaware.

Landlord – This term means 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 HA

Live-In Aide - A person who resides with an elderly, near elderly, and/or disabled person or persons and who

- (a) is determined by the Authority to be essential to the care and well-being of the person(s);
- (b) is not obligated for support of the person(s); and
- (c) would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403) Live-in aides must be provided a separate sleeping room.

A live-in aide may have other family members who will reside in the unit provided that, HUD will not increase the subsidy by the cost of the additional bedroom(s) and the presence of the live-in aide's family does not overcrowd the unit.

A family member, can qualify as a live-in aide, although a family member who already lives with the family cannot qualify as a live-in aide since they are already living in the unit and thus do not meet part (c) of the definition above.

Before admitted a live-in aide to an HCV family, WHA shall verify through a qualified medical practitioner:

- a. That the person requesting the live-in aide meets the definition in the Section of "individual with a disability; and
- b. The live-in aide is needed because of the family member's disability; and
- c. That the live-in aide selected (whether a family member or not) is capable of providing the services the family member with a disability needs.

At no time will WHA request information related to the nature, extent, diagnosis or treatment of an HCV participant

Local Preference – A preference used by the HA to select among applicant families.

Low Income Family – A family or single person whose annual income does not exceed 80% of the median annual income for the area as determined by HUD with adjustments for smaller and larger families. (24 CFR 5.603)

Market Rent – The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

Medical Expenses – Those total 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. 24 CFR 5.603

Minor – A member of the family (excluding foster children) other than the family head or spouse who is under 18 years of age.

Minority – Any individual who is included within any one of the following racial and ethnic categories: Racial categories: (1) American Indian or Alaskan Native – a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition; (2) Asian a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or (3) Pacific Islander or Hawaiian Native–,A person having origins in any of the original people of the Pacific Islands or Hawaii; (4) African-American – a person having origins in any of the black racial groups of Africa; and Ethnic category: 1) Hispanic/Latino – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. (24 CFR 81.2)

Mixed Family – Is a family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504)

Monthly Adjusted Income – One twelfth of adjusted annual income.

Monthly Income – One twelfth of annual income. (24 CFR 5.603)

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

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

Near-elderly Person – Is a person who is at least 50 years of age but below the age of 62.

Net Family Assets - *The net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds and other forms of capital investment. 24 CFR § 5.603*

In determining net family assets PHAs or owners must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the

consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit an owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

Excluded from the calculation of net family assets are:

- *The value of necessary items of personal property*
- *The combined value of all non-necessary items of personal property if the combined total value does not exceed \$50,000 (which will be adjusted by HUD in accordance with the Consumer Price Index)*
- *The value any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements, employer retirement plans, and retirement plans for self-employed individuals.*
- *The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located.*
- *Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability.*
- *The value of any Coverdell education savings account under section 530 of the IRS code, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account under Section 629A of such Code, and the value of any “baby bond account created, authorized or funded by Federal, State or local government.*
- *Interests in Indian trust land*
- *Equity in a manufactured home where the family receives assistance under the Housing Choice Voucher program.*
- *Family Self Sufficiency accounts.*
- *Federal tax refunds or refundable tax credits for a period of 12 months after the receipt by the family.*
- *An irrevocable trust*

Non-Citizen – A person who is neither a citizen nor national of the United States. (24 CFR 5.504)

Other Person Under the Tenant’s Control - A person, although not staying as a guest in the unit, is, or was on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes are not *under the tenant’s control*. (24 CFR 5.100)

Owner – Any persons or entity having the legal right to lease or sublease a unit to a participant.

Participant – A family that has been admitted to the HA's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA 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).

Permanently Absent Family Member – Is an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member.

Person with Disabilities – 42 USC 1437a (b)(3) means a person⁶ who –

- a. Has a disability as defined in Section 223 of the Social Security Act 42 USC 423 ; or,
- b. Has a physical or mental impairment that:
 - Is expected to be of long continued and indefinite duration;
 - Substantially impedes his/her ability to live independently; and,
 - Is of such nature that such disability could be improved by more suitable housing conditions; or,
- c. Has a developmental disability as defined in Section 102 (5)(b) of the Developmental Disabilities Assistance and Bill of Rights Act 42 USC 6001 (5).

This is the definition that is used for eligibility and granting deductions for rent.

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).

Portability – Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of WHA.

Preference – Criteria that are established by the PHA for applicant selection.

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

Preponderance of the Evidence – 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.

Processing Entity – Entity responsible for making eligibility determinations and for income reexamination. In the Section 8 Program, the "processing entity" is the "responsible entity."

Program – The Section 8 tenant-based assistance program under 24 CFR Part 982.

⁶ A person with disabilities may be a child

Program Abuse or Fraud – Refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

Program Receipts – HUD payments to WHA under the consolidated ACC, and any other amounts received by the WHA in connection with the program.

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) – PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following:

- A consortium of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members);
- Any other public or private non-profit entity that was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a HA) on October 21, 1998; or
- For any area outside the jurisdiction of a HA that is administering a tenant-based program, or where HUD determines that such HA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.

Real Property - as used in this part - has the same meaning as that provided under the law of the State in which the property is located. **24 CFR § 5.100**

Reasonable Rent – A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.

Receiving PHA – In portability, a HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a voucher and provides program assistance to the family.

Recertification (sometimes called reexamination) – The process of securing documentation of total family income, circumstances and expenses used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

Remaining Member of a Tenant Family – 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 are not family members and thus do not qualify as remaining members of a family.

Rent to Owner – The total monthly rent payable to the owner under the lease for the unit. 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 – Is the specified area where families must reside to qualify for a residency preference.

Responsible Entity – For the public housing and Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means WHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

Seasonal Worker – *an individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.*

Section 214 – Restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a).

Security Deposit – A dollar amount usually paid when the lease is signed that can be applied to unpaid rent, damages or other amounts to the owner when the tenant vacates the unit.

Service Person – Is a person in the active military or naval service (including the active reserve) of the United States.

Single Person – A person living alone or intending to live alone who is not elderly, near elderly or disabled.

Special Admission – Admission of an applicant that is not on the WHA waiting list or without considering the applicant's waiting list position.

Specified Welfare Benefit Reduction – 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. (24 CFR 5.615)

Spouse – Is 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 another person; 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 that person, a member of the immediate family of that person, or the spouse or intimate partner of that person.

Subsidized Project – A multi-family housing project, with the exception of a project owned by a cooperative housing mortgage corporation or association, which receives the benefit of subsidy in the form of:

- Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
- Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
- Direct loans pursuant to Section 202 of the Housing Act of 1959; or
- Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
- Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
- A Public Housing Project.

Subsidy Standards – Standards established by a PHA to determine the appropriate number of bedrooms and hence the amount of subsidy for families of different sizes and compositions.

Suspension/Tolling – Stopping the clock on the term of a family's voucher, for such period as determined by the HA, from the time when the family submits a Request for Tenancy Approval, until the time when the HA approves or denies the request. If the HA decides to allow extensions or suspensions of the voucher term, the HA administrative plan must describe how the HA determines whether to grant extensions or suspensions, and how the HA determines the length of any extension or suspension.

Temporarily Absent Family Member – Is an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member.

Tenancy Addendum – For the Housing Choice Voucher Program, this is 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 execute the lease as lessee of the dwelling unit. (24 CFR 982.4)

Tenant Rent – The amount payable monthly by the family as rent to the PHA, or, in the Voucher program, to the owner. (24 CFR 5.603)

Threatening – Refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

Total Tenant Payment (TTP) – Calculated as the greatest of: 30% of the family monthly adjusted income; 10% of the family monthly income; or minimum rent.

Training Program – A learning process with goals and objectives, having a variety of components, and taking place in a series of sessions over a period to 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.

Trust – A legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Unearned Income – Any annual income, as calculated under § 5.609, that is not earned income.

Unit – Residential space for the private use of a family.

Utilities - Utilities means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection, and sewerage services. Telephone and internet service are not included as a utility. (7465.1 REV, APP.3)

Utility Allowance – If the cost of utilities (except telephone and internet) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, utility allowance is an amount equal to the estimate made or approved by a PHA of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

Utility Reimbursement – Is the amount, if any, by which the utility allowance for a unit exceeds the Total Tenant Payment for the family occupying the unit. (24 CFR 5.603) The WHA will pay such excess amount to the family or directly to the utility supplier to pay the utility bill on behalf of the family. (24 CFR 960.253)

Violence Against Women Act Protections – Specific Federal protections for people who have been verified to be subject to domestic violence, dating violence, sexual assault or stalking. See the VAWA Procedure.

Very Low-Income Family – A family whose annual income does not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes. (24 CFR 5.603)

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 there from under conditions other than dishonorable.

Violent Criminal Activity – 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.

Violent crimes include but are not limited to: murder; robbery; terrorist threatening; assault; battery; possession of and/or use of a firearm or other weapon that may cause a threat to the life, health, or safety of any individual. Crimes against property include burglary and vandalism associated with retaliation or hate crimes and other similar actions.

Voucher (rental voucher) – A document issued by a HA to a family selected for admission to the voucher program. This document describes the program and the procedures for HA approval of a unit selected by the family. The voucher also states the 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 – A list of families organized according to HUD regulations and HA policy waiting for subsidy to become available.

Waiting List Admission – Is an admission from the WHA waiting list.

Welfare Assistance – Is 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.