



Scotland County Public Housing Agency

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Administered by Northeast Missouri Regional Planning Commission & Rural Development Corporation

ADMINISTRATION PLAN

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STATEMENT OF POLICIES AND OBJECTIVES

Introduction

The Scotland County Public Housing Agency (SCPHA) is a rural area wide Public Housing Agency composed of the County Courts of Adair, Clark, Knox, Schuyler and Scotland Counties. These county courts have joined together in a cooperative effort of improving the housing opportunities available to the residents of their respective counties. Scotland County is designated the signatory county to sign official documents. The Scotland County PHA has contracted the Northeast Missouri Regional Planning Commission/Rural Development Corporation as the administrative agency. The NEMO RPC/RDC has the delegated and contractual authority to administer the Housing and Urban Development Section "8" Housing Choice Voucher Program on behalf of the Scotland County PHA in the five county service area listed above, with a cooperative agreement to assist within the City of Kirksville, MO.

Mission Statement

SCPHA's Mission Statement is the same as that of Housing and Urban Development's (HUD). HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business.

Local County Administration

The SCPHA maintains a local county office within each of the following counties:

Adair County (outside city limits of Kirksville, MO)	
Schuyler County	Scotland County
Clark County	Knox County

A central administration office is maintained in Scotland County, City of Memphis, Missouri.

Each county office performs the following functions:

- Program outreach
- Application intake and briefing
- Tenant/owner orientation
- Lease-up and recertification processing and procedures
- Rent reasonableness survey and certification
- Housing Quality Standards inspections
- Forwarding all paperwork to central office for approval and final processing.

The central office conducts the following functions:

- Applicant eligibility determinations and notifications
- Maintenance of waiting list for all counties
- Certification/issuance of vouchers

- Review of all county office processing
- HUD form #50058 submission
- Issuance Housing Assistance Payments
- Filing, bookkeeping, and accounting
- PHA administration and HUD reporting
- Claim processing
- Conducts informal hearings
- Handles complaints

Allocation of Units

Units of Section 8 Rental Assistance/Rental Vouchers allocated by the U.S. Department of Housing and Urban Development (HUD) to the SCPHA are distributed to each county based on need.

A single waiting list is maintained for all counties within the SCPHA's jurisdiction. The list is maintained and administered at the SCPHA central office.

Housing Quality

The housing quality of the rental market available within the rural jurisdiction of the SCPHA is generally moderate to poor.

HUD has established minimum Housing Quality Standards (HQS) of which a rental must meet for program participation. (See Page 57 Housing Quality Standards).

Federal regulations require the SCPHA to inspect rental units and assure the rental either meets the HQS or is repaired to meet HQS. Such inspections are completed prior to program participation and bi-annually thereafter (See Page 56 Housing Quality Standards).

With the HQS requirements established by HUD, numerous rentals throughout the region have been upgraded for program participation. This has resulted in a considerable improvement of the housing quality available.

The SCPHA and the NEMO RPC/RDC promotes various programs to encourage and assist in the improvement of the region's housing quality.

It is the directive of HUD and the goal of the SCPHA to assist program participants only in housing which is decent, safe, and sanitary.

Owner Outreach

The Section 8 Rental Voucher rent assistance program is designed to assist eligible tenants at rental units on the private sector rental market.

The SCPHA conducts public meetings occasionally and invites owners to attend. These meetings are held in an effort to orientate owners of the program, program procedures and regulations, owners and tenant rights and responsibilities.

The SCPHA maintains a list of prospective rental units to assist applicants/participants in locating housing and/or handicap accessible housing. An owner can contact the SCPHA to enter a rental on the listing.

The SCPHA has available to owners, a briefing packet, which includes information regarding the programs, owner responsibilities, tenant and PHA responsibilities, etc. This packet is presented to an owner at orientation meetings.

The SCPHA honors the rights of owners and tenants equally, in accordance with applicable laws and regulations.

The PHA will provide prospective landlords with family's current address, and the name and phone # of family's current landlord and prior landlord's, if known. No other information will be provided to prospective landlords regarding rental history of tenant.

The SCPHA encourages participation of all eligible owners, including female owners, minority owners and owners with a disability or handicap. The SCPHA makes every effort to assure equal opportunity to all interested owners, agents, and landlords (See Page 8 Nondiscrimination Policies).

SCPHA will actively recruit owners that have properties located in non-low income and non- racially impacted areas. SCPHA will also actively recruit owners that have handicapped accessible units.

Participation of an owner requires a certification by the owner that no applicant or tenant shall be discriminated against in accordance with Fair Housing and Equal Opportunity and Section 504 regulations, and that the owner acknowledges the PHA shall terminate owner participation should discrimination occur. Owners must allow an individual with a disability or handicap (including a family member) to make handicap accessibility alteration to a unit, at the tenant's expense. The owner may require the unit be restored to its original condition upon vacancy.

Improvement of Existing Housing Stock

The HQS requirements for the Section 8 Housing Choice Voucher Program has significantly attributed to the improvement of existing housing stock. With the mobility of program participants, a large percentage of rental units within the region have been improved and maintained to meet the HQS for program participation.

The SCPHA and the NEMO RPC/RDC encourage owners and promotes activities to assist owners to upgrade their housing units, not only for program participation, but also for the benefits of other area residents.

The NEMO RPC/RDC also administers housing programs through other agencies to provide grants, low interest loans and technical assistance for the rehabilitation of housing units within the region.

PLANS FOR THE ADMINISTRATION OF PROGRAM FUNCTIONS

I. Outreach to Tenants and Owners

A. Tenant Outreach

1. The SCPHA utilizes various methods to advertise the program availability to eligible applicants (See Page 6, D. Outreach Advertising Methods).
2. It is the agency's goal that people who are eligible for the programs are aware of the programs, the assistance available, their rights and the SCPHA's pledge of nondiscrimination (See Page 8. Nondiscrimination Policies).
3. The SCPHA encourages all eligible tenants to participate in the programs, which the agency administers (See Page 23, Determination of Eligibility).
4. It is the agency's policy to assure equal opportunity, equal access and treatment to all applicants and participants.
5. The PHA shall complete special outreach to groups least likely to apply (i.e. minorities, person with a disability or handicap) (See Page 8, Fair Housing and Equal Opportunity and Section 504).

B. Owner Outreach

1. The SCPHA utilizes various methods of outreach/advertisement to owners (See Page 6, D. Outreach Advertising Methods). Telephone and direct contacts are also used with any potential resource for housing.
2. All eligible owners are encouraged to participate in the programs administered by the SCPHA. Ineligible owners are defined as follows:
 - a. Employees and members of the county courts as governing officials.
 - b. Employees and executive board members of the NEMO RPC/RDC and SCPHA.
 - c. Any owner in an administrative capacity who formulates policies, regulations or decisions of the SCPHA, shall be restricted to avoid a conflict of interest.
 - d. If the owner has violated obligations under any Section 8 HAP contract.
 - e. Committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
 - f. Manufactured, sold or distributed illegal drugs.
 - g. A history of non-compliance with HQS or similar standard in any federal housing programs.

- h. A history of leasing units that fail State or local housing codes.
 - i. Has not paid State or local real estate taxes, fines or assessments.
 - j. Owner who has a history of discrimination in regard to the Fair Housing and Equal Opportunity, and Section 504 nondiscrimination regulations.
 - k. If an owner fails to terminate leases with tenants who fail to follow PHA rules and regulations, these landlords will not be considered further.
3. It is the SCPHA's goal that owners are aware of the program, their rights and the SCPHA's pledge of nondiscrimination. It is the agency's policy to assure equal opportunity, access and treatment to all owners.

C. Advertisement

1. Advertisement of the Section 8 Housing Choice Voucher Program shall occur at the time the PHA is awarded units of housing under the Annual Contributions Contract (ACC) with HUD. Advertisement will be completed periodically until all available units are being utilized. Additional advertising, subsequent to initial announcement of new unit availability, shall be done on an as-needed basis. If the applicant pool is not sufficient to fill vacancies individual counties, special advertising shall be done to meet the particular need. All advertising shall contain the Equal Opportunity language and logo, along with the nondiscrimination clauses.

D. Outreach/Advertising Methods

1. The various methods utilized for program outreach and advertising to tenants and owners included, but are not limited to, the following:
- a. Publication of newspaper ads in local county newspapers
 - b. Public service announcements on area radio and television
 - c. Posting of flyers at: other agencies, businesses, courthouses, city halls, post offices, housing projects, schools, disability organizations, senior citizen centers, health departments, doctors' offices, hospitals, etc.
 - d. Notices to applicants, participants, and owners
 - e. Word of mouth
 - f. Telephone and direct contacts
 - g. Referrals from other agencies.

E. Special Outreach

1. Special outreach will be completed and directed to groups who are least likely to apply (minorities, persons with a disability or a handicap) by utilizing methods listed in D1. Outreach Advertising Methods.
2. All published material shall include the Equal Opportunity logo and language "Equal Housing Opportunity". Published advertisements and flyers shall include the nondiscrimination clauses (See Page 8. Nondiscrimination Policies).
3. Public meetings shall be held initially upon allocation of units and periodically thereafter to orientate owners, applicants, participants and the general public of program functions, Fair Housing and Equal Opportunity and Section 504. All public meetings shall be held at handicap accessible locations.
4. Advertisement/outreach shall include procedures to reach vision or hearing impaired, such as:
 - a. Closed caption (when available)
 - b. Large print
 - c. Posting in accessible locations

ELIGIBILITY, SELECTION, ADMISSIONS

The Section 8 program has enacted 35 parts of the Housing and Community Development Act of 1974, which re-codified the U.S. Housing Act of 1937 and has recently been further updated by the Quality Housing and Work Responsibility Act of 1998 (QHWRA). The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Voucher program, are described in and implemented through this Administrative Plan.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Agency (SCPHA) staff shall be in compliance with SCPHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

LOCAL OBJECTIVES

The Section 8 Program is designed to achieve three major objectives:

To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level; To promote freedom of housing choice of very low income families of all races and ethnic backgrounds; To provide an incentive to private property owners to rent to very low income families by offering timely assistance payments.

In addition, SCPHA has the following goals for the program:

1. Due to a verifiable lack of low-income rental housing, to assist the local economy by increasing the amount of rental assistance in the community.

PURPOSE OF THE PLAN

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives. The Plan covers both admission and continued participation in these programs. Policies, unless otherwise noted, are the same for all programs.

SCPHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the Board of Commissioners of the agency and a copy provided to HUD.

EQUAL OPPORTUNITY/FAIR HOUSING POLICY/SECTION

504[24 CFR 982.54(d) (6)]

It is the policy of the Scotland County Public Housing Agency to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

SCPHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family status, handicap or disability.

To further its commitment to full compliance with applicable Civil Rights laws, SCPHA will provide Federal/State/local information to Voucher holders regarding "discrimination" and any recourse available to them if they are victims of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because SCPHA's facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout SCPHA's office in such a manner as to be easily readable from a wheelchair.

SCPHA's offices, located at 121 South Cecil Street, Memphis, MO, are accessible to persons with disabilities. Persons with disabilities may park in the parking lot right next to the building.

The SCPHA Housing Director has been designated to coordinate Section 504 activities:

Oleva Frederick, Housing Director
NEMO Regional Planning Commission/Rural Development Corporation
Scotland County Public Housing Agency
121 South Cecil
Memphis, MO 63555
(660) 465-7281 Voice
Relay MO 711

The SCPHA relies on MO Relay 711 for owners and all persons a telephone device for the hearing impaired (TDD). The SCPHA shall make available upon request, auxiliary aids for program participation, such as interpreters for sign language, Braille or printed material, etc. to tenants and owners.

SERVICE POLICY ACCOMMODATIONS

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with SCPHA, when SCPHA initiates contact with a family including when a family applies, and when SCPHA schedules or reschedules appointments of any kind.

It is the policy of this SCPHA to be service-directed in the administration of its housing program, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

SCPHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing programs and related services. The availability of accommodations will be made known by including notices on SCPHA forms and letters to all families, and all requests will be verified so that SCPHA can properly accommodate the need presented by the disability.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability. Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability. All SCPHA mailings will be made available in an accessible format upon request, as a reasonable accommodation when possible.

A list of accessible units will be provided if requested when available.

TRANSLATIONS OF DOCUMENTS

In determining whether it is feasible to translate documents into other languages, SCPHA will consider the following factors:

- Number of applicants and participants who do not speak English and speak the other language.
- Cost of translation into the other language per client who speaks the language.
- The availability of organizations to translate documents, letters and forms for non-English speaking families.

FAMILY OUTREACH

SCPHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When SCPHA's waiting list is open, SCPHA will publicize the availability and nature of housing assistance for very low/low income families in a newspaper of general circulation and by other suitable means.

To reach persons who cannot read the newspapers, SCPHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with community service personnel. SCPHA will also utilize public service announcements.

SCPHA will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines so that they can make proper referrals for housing assistance.

VIOLENCE AGAINST WOMEN EVICTION PROTECTION

SCPHA shall educate the appropriate staff regarding the general guidelines for SCPHA housing assistance. Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005

Public Law 109-162, known as the “Violence Against Women and Department of Justice Reauthorization Act of 2005” (VAWA), was enacted on January 5, 2006. The legislation finds a strong link between domestic violence and homelessness and its purpose is to reduce crime and prevent homelessness for victims. The VAWA contains many provisions that apply to federally assisted housing programs, with specific regulations relevant to the Section 8 and Low Income Public Housing Programs. As a publicly funded agency, and in compliance with the intent of the legislation, SCPHA is implementing similar non-discriminatory procedures within all its housing programs in order to protect victims of domestic violence, dating violence, sexual assault, or stalking and their families.

VAWA defines certain terms as follows:

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

“Stalking” means to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or to intimidate another person and 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.

“Immediate Family Member” means a person’s spouse, parent, brother, sister, or child, or an individual to whom that person stands in loco parents; or any other person living in the household of that person and related to that person by blood or marriage.

VAWA provides protection to both applicants and participants in federally funded housing assistance programs. The law states that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or denial of admission, if the applicant otherwise qualifies for the program. It also states that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence. The provisions of VAWA do not apply to private landlords who are not receiving any type of federal subsidy.

Program applicants and participants/tenants are also entitled to notification of their rights and protections under VAWA. These procedures establish how and when these persons are to be notified, how lease

violations are to be handled, and client certifications required.

Required Proof or Certification of Victim's Status:

- I. Any tenant claiming protection under the VAWA may be required to provide proof or "certification" of the violence.
- II. Certification or proof must be requested in writing.
- III. The tenant or victim is not required to:
 - a. Have or obtain a restraining order or protective order from the courts
 - b. Call the police or have a police (official government) report of the incident
- IV. Acceptable verification includes:
 - a. Court record
 - b. Police (law enforcement) record
 - c. Statement from a victim service provider, medical professional or lawyer containing:
 - i. Statement the individual helped the tenant address the violence
 - ii. Name of the perpetrator
 - iii. Statement under penalty of perjury that the provider believes the incident or incidents are bona fide incidents of abuse
 - iv. Tenant must also sign or attest to the provider's statement
- V. Tenant has a minimum of fourteen (14) business days to provide the requested proof.

Confidentiality:

Any information provided to the Housing Agency or its staff regarding incidents of abuse must be kept confidential. Such information will not be entered into computer data or notes or shared with any other entity.

- I. Staff may not disclose:
 - a. Tenant is a victim of domestic violence, dating violence or stalking.
 - b. Any details regarding allegations or incidents of abuse.
- II. Staff may disclose information:
 - a. At the written request of the victim,
 - b. Required for use in an eviction proceeding, or
 - c. If disclosure is otherwise required by law.

Additionally, the McKinney-Vento Homeless Assistance Act has been amended to prohibit victim service providers from providing personally identifying information to HUD's Homeless Management Information system (HMIS). Personally identifying information includes names, addresses, and social security numbers. Staff must be particularly careful to ensure victim information is retained in confidence when working with these service providers.

Applications:

All applicants for SCPHA-operated housing programs shall receive notification of their rights under VAWA.

- I. During the initial intake interview all applicants shall be:
 - a. Advised of their rights under VAWA
 - b. Issued a cover letter and notice entitled "Rental Assistance Program Applicants' Notice on Violence Against Women Eviction Protection"

- c. Allowed to provide certification of victim status if there are incidents that might result in a denial/withdrawal based on criminal or tenancy history
- II. At the Section 8 voucher briefing
 - a. Voucher holders will be reminded of their rights under VAWA and the documents issued at the initial interview. Copies of notification documents will be made available to applicants again as needed.
 - b. Staff will explain that private landlords are not bound by VAWA but those receiving federal subsidies are.
 - c. Staff will explain the process to request a transfer voucher.
- III. During any lease up process
 - a. All participants will be reminded of their rights under VAWA.
 - b. Copies of notification documents will be provided to tenants again, as needed.

Section 8 Housing Choice Voucher Program:

The provisions of the VAWA apply to both tenant-based and project-based portions of the Section 8 Housing Choice Voucher Program. All Section 8 tenants shall receive notification of their rights under the VAWA. Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control will not be used as the basis for termination of assistance, tenancy or occupancy rights if the tenant or an immediate family member tenant’s family is the victim or threatened victim of such violence. Additionally, a victim is generally entitled to a transfer voucher (including portability to another jurisdiction) to protect the health and safety of the family. However, an individual who is a lawful tenant may be evicted/terminated if that individual engages in criminal acts of physical violence against family member or others.

- I. At the initial lease up participants receive notice of their rights as an applicant during the application interview and during the Section 8 briefing.
- II. At each annual reexamination:
 - a. The Housing Specialist will issue the notice entitled “Low Income Public Housing Notice on Violence against Women Eviction Protection.”
 - b. The Housing Specialist will explain the participant’s rights.
- III. If a participant requests a transfer to another unit because of domestic violence, dating violence, or stalking a transfer voucher may be issued if:
 - a. The tenant provides certification of the incident(s) of violence.
 - i. The Housing Specialist will issue written notice to provide the certification by a specified deadline.
 - ii. The Housing Specialist will give the tenant a minimum of 14 business days to provide the certification.
 - b. The tenant has complied with all obligations of the Section 8 program;
 - c. If the participant has already moved out of the assisted unit, program assistance will be continued if:
 - i. The participant moved to protect the health and safety of the individual who has been or is the victim of domestic violence, dating violence, or stalking;
 - ii. The participant/victim reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted unit.
 - d. The “Request for Transfer” form with certification attached, will be submitted to the Housing Coordinator for review and approval.
- IV. If a participant tenant is issued an eviction notice from a private property owner or property manager:
 - a. The Housing Specialist will review the lease violations with the property owner/manager to determine whether:
 - i. The family or an individual family member is to be evicted, and
 - ii. “Good cause” exists.

- iii. If necessary, staff shall remind the landlord that provisions of the VAWA make it illegal to bring an eviction action based on acts of domestic violence, dating violence, or stalking, or criminal activity “directly related” to such violence.
 - b. If the participant/tenant claims protection under the VAWA, the Housing Specialist will issue a written notice:
 - i. Requesting proof of the victim’s status (certification), and
 - ii. Specifying the deadline by which the proof must be provided. The participant shall have a minimum of 14 business days to provide the certification.
 - c. If the participant provides the requested certification within the specified timeframe, the Housing Specialist will:
 - i. Confirm the property owner/manager plans to proceed with the eviction process;
 - ii. Obtain a “Request for Transfer” from the tenant; and
 - iii. Submit the “Request for Transfer” form, with certification attached, to the Housing Coordinator for review and approval.
 - d. If the participant fails to provide the certification within the specified period, the Housing Specialist will issue a “Notice of Termination” based on the eviction for “good cause.”

PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

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

Any and all information, which would lead one to determine the nature and/or severity of a person's disability, will be kept confidential. This personal information must not be released except on an "as needed" basis in cases where an accommodation is under consideration. The Section 8 Assistant must approve all requests for access and granting of accommodations based on this information.

In accordance with HUD requirements, SCPHA may furnish prospective owners with the family's current address as shown in SCPHA's records and, if known to the SCPHA, the name and address of the landlord at the family's current and prior address.

A statement of SCPHA's policy on release of information to prospective landlords will be included in the briefing packet, which is provided to the family. SCPHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff, will result in disciplinary action.

EQUAL EMPLOYMENT OPPORTUNITY

SCPHA practices affirmative action in hiring, promotion and conditions of employment positions. Vacancies are advertised in a newspaper of general circulation and the State Bureau of Employment Services will be contacted. SCPHA's recruitment practices will apply aggressive outreach to community-based racial and ethnic groups (if available) so that the composition and culture of the staff reflects the composition and culture of the community, to the extent possible. All SCPHA job postings will display the affirmative action/equal employment opportunity prominently. Job openings will also be posted in SCPHA offices.

RULES AND REGULATIONS

This Administrative Plan is set forth to define SCPHA's local policies for operation of the housing programs in the context of Federal laws and Regulations. Such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law governs all issues related to Section 8, not addressed in this document.

MONITORING PROGRAM PERFORMANCE

Reports or lists will be maintained for:

Monitoring funding availability, to ensure SCPHA is at maximum lease, but not over-leased.
Tracking outstanding Vouchers for expiration (or suspension).
Failed inspections and abatements.
Number and reason for moves and terminations of assistance.
Number of new vouchers issued.
Repayment of amounts owed SCPHA.

In order to ensure quality control, supervisory staff audits the following functions:

5% of the HQS inspections completed by each inspector.
The Housing Director in the course of his/her work reviews new application and recertification work processes.

TERMINOLOGY

The Scotland County Public Housing Agency is referred to as 'SCPHA' or "Housing Agency" throughout this document.

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

"Tenant(s)" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "owner" are used interchangeably.

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

"New Rule" refers to the HUD Occupancy Regulations effective 10/2/95. "Old Rule" refers to the Regulations that were superseded on that date.

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

The Section 8 programs are also known as the Housing Choice Voucher program.

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

"Failure to Provide" refers to all requirements in the first Family Obligation. See Chapter 15, "Denial or Termination of Assistance."

See Glossary for other terminology.

ELIGIBILITY FOR ADMISSION

INTRODUCTION

This chapter defines both HUD's and SCPHA's criteria for admission and denial of admission to the programs. The policy of this SCPHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of households who apply. SCPHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by SCPHA pertaining to their eligibility.

Eligibility Factors: To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by SCPHA.

The HUD eligibility criteria are:

An applicant must be a "family."

An applicant must be within the appropriate Income Limits.

An applicant must furnish Social Security Numbers.

An applicant must furnish evidence of Citizenship/Eligible Immigrant Status.

For SCPHA's additional criteria for eligibility, see "Other Criteria for Admission."

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

FAMILY COMPOSITION [24 CFR 982.54(d) (4) (i)]

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A group of persons may be:

- Two or more persons sharing residency or who intend to share residency whose income and resources are available to meet the family's needs.
- Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides, are a family.
- A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A single person may be a:

- An elderly person, as defined by HUD.
- A displaced person, as defined by HUD.
- A person with a disability, as defined by HUD.
- Any "other single" person, including single pregnant females.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under

State/local law. [Emancipated minors who qualify under State law will be recognized as head of household.]

A family may designate an elderly or disabled family member as head of household to qualify the family as an Elderly Household, provided that the person is at least partially responsible for paying the rent.

Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the Non-citizens Rule, the definition of spouse is the marriage partner whom, in order to dissolve the relationship, have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aide:

- Is determined by SCPHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities.
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members.

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. Live-in aides are not subject to Non-Citizen Rule requirements.
3. Live-in aides will not be considered as a remaining member of the tenant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

Family members of a live-in attendant may also reside in the unit provided doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in attendant's family members does not overcrowd the unit.

A Live-in Aide may only reside in the unit with the approval of SCPHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly (50-61) or disabled.

SCPHA has the right to disapprove a request for a live-in aide based on the "Other Criteria for Eligibility" described in this Chapter.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, SCPHA will make the decision taking into consideration the following factors:

1. Which family member applied as head of household.
2. Which family unit retains the children or any disabled or elderly members.

3. Restrictions that were in place at the time the family applied.

4. Role of domestic violence in the split.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they will be denied placement on the waiting list for failure to supply information requested by SCPHA.

In cases where domestic violence played a role, see verification standards.

Multiple Families in the Same Household

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

Joint Custody of Children

Children who are subject to a joint custody agreement, both parents will be able to claim a certificate of the size needed to house the children.

INCOME LIMITATIONS [24 CFR 813.106, 982.201 (b) (d), 982.54(d) (4) (ii)]

In order to be eligible for assistance, an applicant must be either:

- A very low-income family: or
- A low-income family in any of the following categories:
 - 1) A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1957 Housing Act program within 120 days of Voucher issuance. Programs include Public Housing, all Section 8 programs, and all Section 23 programs.
 - 2) A low-income family physically displaced by rental rehabilitation activity under 24 CFR Part 511.
 - 3) A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
 - 4) A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173.
 - 5) A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of mortgage insurance contract under 24 CFR 248.165.

To determine if the family is income-eligible, SCPHA compares the Annual Income of the family to the applicable income limit for the family's size. The applicable income limit to be used at initial issuance of a certificate or voucher is the income limit of the SCPHA.

PORTABILITY

For initial lease-up, families who exercise portability must be within the very low-income limit for the jurisdiction of the receiving PHA in which they want to live. These families must apply from within our jurisdiction or be on assistance for one year prior to receiving portable assistance. They must have a legal residence/domicile in our area for one year prior to requesting to use assistance elsewhere.

Participant families who exercise portability, and request or require a change in their form of assistance, must be within the low-income limit of the receiving HA if they are to receive the alternate form of assistance.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

SCPHA will deny admission of portability of any family who owes a claim to the agency.

MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 750.10 (a-f)]

Families are required to provide verification of Social Security Numbers for all family members regardless of age (24 CFR 5.216) prior to admission, if the Social Security Administration has issued them a number. This requirement also applies to persons joining the family after admission to the program. Should a new member be under the age of 6 and have no number issued, they have up to 6 months to supply the housing agency with that number.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR 812.5]

To receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students defined by HUD in the non-citizen regulations are not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

OTHER CRITERIA FOR ADMISSION [24 CFR 982.552 (b)]

SCPHA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program.

1. Within the past three years, the Family must have not have violated any family obligation during a previous participation in the Section 8 program. In addition, no member of the family will have a record of violent or abusive behavior, either within the family, or towards other members of the community.

When SCPHA denies assistance to an applicant with a disability, the applicant may request a review of the family obligation that was violated, if the violation was a result of the disability.

An exception may be granted by SCPHA if the family member who violated the family obligation is not a current member of the household on the application.

2. No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program in the last three years.
3. The family must have paid any outstanding debt owed SCPHA or another HA as a result of prior participation in any Federal housing program.

A Repayment Agreement may be executed and first payment received prior to assistance starting. Failure to comply with repayment agreement is terms of termination of assistance.

If a Repayment Agreement falls into arrears as defined in this policy, the family will be required to pay the balance in full prior to final lease up.

4. No member of the family may have engaged in drug related or violent criminal activity within the past 36 months or been evicted from public housing during the last 36 months for violent criminal or drug related activity.

SCPHA will not be obligated to ferret out information concerning a family's criminal activities as part of the processing of an application for assistance, with the exception that because dangerous sex offenders are prohibited from admission to public or assisted housing, the SCPHA shall carry out criminal history background checks on applicants for federally assisted housing and make further inquiry with State and local agencies as necessary to determine whether an applicant for federally assisted housing is subject to a lifetime registration requirement under a State offender registration program. The SCPHA, before disqualifying an applicant under this provision, must provide the tenant or applicant with a copy of the registration information and an opportunity to dispute the accuracy *and relevance* of that information. The State Attorney General's Office provides this information free of charge, and it can be found on the following website: www.wbns10tv.com/news/sexpred. Should there be a fee, the SCPHA will pass it along to the applicant. The SCPHA will keep, modify its record keeping policy to ensure that such information remains confidential, and will destroy it once its purpose has been served.

If either as a result of the standardized inquiry or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal activity or violent criminal activity, SCPHA will conduct closer inquiry to determine whether the family should be denied admission.

5. No family member may have been evicted from public housing for any reason during the last 12 months.
6. No family member may have engaged in or threatened abusive or violent behavior toward SCPHA personnel during the prior three years.

SUITABILITY OF FAMILY [24 CFR 982.202 (b) (1)1

SCPHA may take into consideration any of the additional criteria for admission, but may not otherwise screen for factors, which relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

SCPHA will advise families how to file a complaint if they have been discriminated against by an owner. SCPHA will advise the family to make a Fair Housing complaint. SCPHA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between placement on the waiting list and issuance of a voucher may affect the family's eligibility or Total Tenant Payment. For example, if a family goes over the income limit prior to lease up, the applicant will not continue to be eligible for the program. They will be notified in writing of their ineligible status and their right to an informal review.

INELIGIBLE FAMILIES

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

APPLYING FOR ADMISSION

INTRODUCTION

The policy of SCPHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but SCPHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

HOW TO APPLY

Families who wish to apply for any of SCPHA's programs must complete a written application form. Applications will be made available in an accessible format upon request from a person with a disability.

Applications will be mailed to interested families upon request.

OPENING/CLOSING OF THE WAITING LIST [24 CFR 982.206, 982.5~ (d)(1)]

SCPHA will utilize the following procedures for opening the waiting list.

When SCPHA opens the waiting list, SCPHA will advertise through public notice the location(s) and program(s) for which applications are being accepted in the local paper of record and other media including:

- The local newspapers of the five counties
- A free newspaper delivered to general residents
- The local radio station(s)

Notices will be sent to any known service groups/agencies that assist persons with disabilities, to any known agencies which assist minority citizens, and known organizations delivering services to low income families and individuals. Notices of open application periods will also be posted in the agency office.

The notice will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken, if applicable
- A brief description of the program.
- Limitations, if any, on whom may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes SCPHA address and telephone number, how to submit an application, and information on eligibility requirements.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with

disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Taking Is Suspended

SCPHA may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next 30 months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

At any time that there are not enough applicants who claim eligibility for any available targeted assistance, SCPHA may reopen the list for the applicants who claim eligibility for the particular available targeted assistance.

The open period shall be long enough to achieve a waiting list that is adequate to cover projected turnover and any new allocations over the next 30 months. When the period for accepting applications is over, SCPHA will add the new applicants to the list by:

Separating the new applicants into groups based on date and time of application.

Limits on Who May Apply

When the waiting list is open;

Any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

When the application is submitted to SCPHA: It establishes the family's date and time of application for placement order on the waiting list.

"INITIAL" APPLICATION PROCEDURES [2e CFR 982.204 (b)]

SCPHA will utilize the full application as the initial application. When it looks like there may be several months wait for assistance, a pre-application will be used. The information is to be filled out by the applicant whenever possible. To provide specific accommodation to persons with disabilities, the information may be completed by another individual at the applicant's request or by a staff person over the telephone. It may also be mailed to the applicant and, if requested, it will be mailed in an available accessible format.

The purpose of the application is to permit SCPHA to assess family eligibility or ineligibility and to determine placement on the waiting list. The application will contain questions designed to obtain the following information:

- Names and ages of all members
- Sex and relationship of all members
- Street Address and phone numbers
- Mailing Address (PO Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information regarding disabilities relating to program requirements
- Information related to qualification for preferences and targeted assistance
- Social Security Numbers
- Race/ethnicity (optional)
- Evictions for Drug Related Criminal Activity
- Request for Specific Accommodation needed to fully utilize program and services
- Current landlord's name and address
- Program integrity questions regarding previous participation in HUD programs

- Past criminal/drug related history

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Applications may be delivered to or mailed to SCPHA offices. SCPHA also may take applications at designated outreach sites as it determines necessary to comply with special outreach efforts.

Applicants are requested to inform SCPHA in writing of changes in family composition, income, and address. Applicants are also required to respond to requests from SCPHA to update information on their application or to determine their continued interest in assistance.

Failure to provide information or to respond to mailings will result in the applicant being removed from the waiting list. (See "Complaints and Appeals.")

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

All adult members must sign the HUD Form 9886, Release of Information, the application, and all supplemental forms required by SCPHA, the declarations and consents related to citizenship/immigration status and any other documents required by SCPHA. Applicants will be required to sign specific verification forms for information, which is not covered by the HUD Form 9886. Failure to do so will cause for denial of the application for failure to provide necessary certifications and release as required by SCPHA.

NOTIFICATION OF APPLICANT STATUS

If after a review of the application the family is determined to be eligible, they will be notified in writing, in an accessible format upon request, as a reasonable accommodation. The notice will contain the approximate date that assistance may be offered, and will further explain that the estimated date is subject to factors such as turnover and additional funding.

This written notification of eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the application, SCPHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. (See "Complaints and Appeals.")

FINAL DETERMINATION AND IDENTIFICATION OF ELIGIBILITY

After the verification process is completed, SCPHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by SCPHA, and the current eligibility criteria in effect. If the family is determined to be eligible, SCPHA will mail a notification of eligibility. A briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program. The voucher is dated day of eligibility determination. The family has 60 days from date of eligibility determination to use this voucher or request an extension and let the PHA know why the voucher needs extended.

MAINTAINING THE WAITING LIST

[24 CFR 982.54(d) (1)]

INTRODUCTION

It is SCPHA's objective to ensure that the families are placed in the proper order on the waiting list so that an offer of assistance is not delayed to any family, or made to any family prematurely.

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

APPLICATION POOL

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

1. The application will be a permanent file.
2. All applicants in the pool will be maintained in order of date and time of application receipt.
3. All applicants must meet "Low Income" eligibility requirements as established by HUD. The HUD Field Office must have approved any exceptions to these requirements, other than those outlined in "Eligibility for Admission" previously.

Special Admissions [24CFR 982.5 (d)(e)]

Applicants, who are admitted under Special Admissions, rather than from the waiting list, are maintained on separate lists.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system and are not maintained on separate waiting lists.

An applicant will not be granted any assistance if any member of the family has been evicted from any federally assisted housing during the past three years because of drug-related or violent criminal activity. Three years must have passed from the time of eviction, not the time of the drug activity. SCPHA will rely on certification from the family and previous landlord(s) where appropriate to determine this information.

If an applicant knowingly makes a false statement in order to qualify, SCPHA will deny admission to the program for the family.

EXCEPTIONS FOR SPECIAL ADMISSIONS [24CFR 982.203. 982.54(d)(3)]

If HUD awards a SCPHA program funding that is targeted for specifically named families, SCPHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preference, nor are they required to be on the program waiting list. SCPHA maintains separate records of these admissions.

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

1. A family displaced because of demolition or disposition of a Public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

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

REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204 (c)]

If an applicant fails to respond to a mailing from SCPHA, the applicant will be sent written notification and given 10 days to contact SCPHA. If they fail to respond within 10 days they will be removed from the waiting list. An extension will be considered an accommodation if requested by a person with a disability. If the letter is not returned to SCPHA, it will be assumed that the applicant received the notice in question.

If the letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If the applicant contests the removal of her/his name from the waiting list in this case and can prove s/he was living at the address in question at the time the letter was sent, SCPHA will return the applicant's name to the waiting list by the date and time of the original application.

If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

The waiting list will be purged periodically as needed by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

The same guidelines will be used for failure to respond to this mailing. Notices will be made available in accessible format upon the request of a person with a disability.

SCPHA allows a grace period of 14 days after completion of the purge. Applicants who respond during this grace period will be reinstated.

SUBSIDY STANDARDS

[24 CFR 982.54(d) (9)]

INTRODUCTION

HUD guidelines require that Housing Agencies establish subsidy standards for the determination of Voucher bedroom size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standard used for the Voucher size also must be within the minimum unit size requirements of HUD's Housing Quality Standards. This chapter explains the subsidy standards, which will be used to determine the voucher size for various sized families when they are selected from the waiting list, as well as SCPHA's procedures when a family's size changes or a family selects a unit size that is different from the Voucher.

DETERMINING VOUCHER SIZE [24 CFR 982.402]

SCPHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. SCPHA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, SCPHA assigns one bedroom to two people within the following guidelines:

- A couple may share a bedroom with a child under the age of 1 year. A family expecting a child may request an additional bedroom.
- A single mother/father with a child under the age of three will be issued a two bedroom voucher.
- Persons of different generations, and unrelated adults should be allocated a separate bedroom.
- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under 3).
- Foster children will be included in determining unit size.
- Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendants' families.
- Space may be provided for a child who is away at school but who lives with the family during school recesses.
- Single-person families shall be allocated one bedroom.

GUIDELINES FOR DETERMINING VOUCHER SIZE

Voucher Size Persons in Household
Persons in Household

	(Minimum #)	(Maximum #)
0 Bedroom	1	2
1 Bedroom	1	3
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10
6 Bedrooms	8	12

CHANGES IN VOUCHER SIZE [24 CFR 982.403 (a) & (b)]

Requests for Exception to Subsidy Standards for Applicants

The family may request a larger sized voucher than indicated by SCPHA's subsidy standards. Such request must be made in writing. The request must explain the need or justification for a larger bedroom size.

SCPHA shall grant exceptions from the standards if the family requests and SCPHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

Circumstances may dictate a larger size than the Subsidy Standards permit when persons cannot share a bedroom because of an accommodation which has been requested, such as:

- Persons who cannot occupy a bedroom because of a verified medical or health reason.

- Elderly persons or persons with disabilities who may require a live-in attendant.
- Two children of the same sex but of at least a three year age difference.

Requests based on health related reasons must be verified by a doctor/medical professional.

If SCPHA errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size so that the family is not penalized.

Changes for Participants

The members of the family residing in the unit must be approved by SCPHA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform SCPHA within 10 days. The family must also obtain written permission from the landlord to add additional family members to the unit.

Requests for Exception to Subsidy Standards for Participants

SCPHA may grant an exception upon request as an accommodation for persons with disabilities.

Under-housed and Over-housed Families

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), SCPHA will issue a new voucher and assist them in locating a suitable unit (see also “Reporting Changes in Family Composition”) at recertification.

Transfer Waiting List

When a change in family composition requires the issuance of another size Voucher, and funds are not available for the type of assistance the family has, the family will be placed on a Transfer List. In the mean time they will retain their current status as voucher holders.

Families will be selected from the Transfer List before families are selected from the applicant waiting list. This assures that families who are already in the program are in the appropriate sized units.

Families will be selected from this list when there is available funding, in the following sequence:

1. A participant family (whose family composition has been approved by SCPHA) who requires a change in Voucher size because they are living in a unit, which is overcrowded according to Housing Quality Standards.
2. A participant family (whose family composition has been approved by SCPHA) who require a change in Voucher size under the Subsidy Standards, but not under Housing Quality Standards.
3. All others who require a transfer as determined by SCPHA.

UNIT SIZE SELECTED

The family may select a different size dwelling than that listed on the Voucher. There are three criteria to consider:

1. Rent Limitation: For the Voucher Program, SCPHA uses 90% of the Payment Standard for the Voucher size or the unit size selected by the family, *whichever is less*.
2. Utility Allowance: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects or the voucher size, *whichever is higher*.

3. Housing Quality Standards: The standards allow two persons per living/sleeping room and permit maximum occupancy level. (Assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

Maximum Number of Persons in Household

0 Bedroom	2
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

TOTAL TENANT PAYMENT AND MINIMUM RENTS

INTRODUCTION [24 CFR 813]

It is the purpose of this section to ensure that tenants are paying the correct amount for rent as fits their income by demonstrating the calculation of Annual Income and Adjusted Income.

This chapter defines the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP), as well as the minimum rent standards. Income and TTP are calculated in accordance with 24 CFR Part 813 and further instructions set forth in HUD Notices, Memoranda and Addenda and the minimum rent is in accordance with the Quality Housing and Work Responsibility Act of 1998 and assorted notices. The formula for the calculation of TTP is specific and not subject to interpretation. SCPHA's policies in this Chapter address those areas, which allow SCPHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

INCOME AND ALLOWANCES

Income: HUD defines the types of money, which are to be used as income for purposes of calculating the TTP, in Federal regulations. In accordance with this definition, income from all sources of each member of the household is counted.

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

Adjusted Income: Is defined as the Annual income minus any HUD allowable deductions.

HUD has five allowable deductions from Annual Income:

1. Elderly and Disabled families - \$400 for any elderly or disabled family (limited to one deduction per family).
2. Medical Expenses - the amount by which 3 percent of the annual family income is exceeded by the sum of any medical included in IRS Publication 502, such as:
 - un-reimbursed medical expenses of any elderly family or disabled family;

- un-reimbursed medical expenses of any family that is not covered under sub-clause 1 (elderly or disabled); and
- un-reimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed or go to school.

A prescription must be written for any drug related deductions. No over the counter medicines.

3. Child care expenses - Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

4. Minors, students, and persons with disabilities - \$480 for each member of the family residing in the household (other than the head of the household, co-head or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis; or who is 18 years of age or older and is a person with disabilities.

5. For persons with disabilities, the incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion is only available to the following families:

- Families whose income increases as a result of employment of a disabled family member who was previously unemployed (defined as working less than 10 hours a week at the established minimum wage) for one or more years.
- Families whose income increases during the participation of a disabled family member in any economic self-sufficiency or other job-training program.
- Persons with disabilities who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program for at least \$500.00

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

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

As of March 8, 2016 24 CFR Parts 5, 880, 884, et al. Streamlining Administrative Regulations for Housing Choice Voucher; Final Rule the benefit now applies for a straight 24 month period, with a clear start date and end date, irrespective of whether a family maintains continual employment during the 24-month period. SCPHA is no longer obliged to track employment starts and stops, but only the start date, the 12-month date (on which the amount of the disregard may change from 100 percent to not less than 50 percent of earned income), and the 24 month end date.

DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT [24 CFR 819.106. 982.54 (d)(10), 982.551 (h) (2), (3), (7)]

SCPHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, SCPHA must count the income of the spouse or the head of the household, if that person is temporarily absent, even if that person is not on the lease.

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

It is the responsibility of the head of household to report changes in family composition. SCPHA will evaluate absences from the unit using this policy.

Absence of Entire Family [24 CFR 982.54 (10)]

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, SCPHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan. Families are required both to notify SCPHA before they move out of a unit and to give SCPHA information about any family absence from the unit.

Families must notify SCPHA if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the assisted unit for more than 90 consecutive days, the unit will be considered to be vacated and the assistance will be terminated. The Assistant shall make any exception to this policy on a case-by-case basis on recommendation to the Housing director. Such absence may only be for medical reasons or as a reasonable accommodation for a family member with a disability.

HUD regulations require SCPHA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days. "Absence" means that no family member is physically residing in the unit. In order to determine if the family is absent from the unit, SCPHA may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Forward postal verification of address

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence, which resulted in termination of assistance, was due to a person's disability, and SCPHA can verify that the person was unable to notify SCPHA in accordance with the family's responsibilities, and if funding is available, SCPHA may reinstate the family as an accommodation if requested by the family.

Absence of Any Member [24 CFR 982.54 (10)]

Any member of the household will be considered permanently absent if s/he is away from the unit for 3 consecutive months except as otherwise provided in this Chapter.

Absence due to Medical Reasons [24 CFR 982.54 (10)]

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, SCPHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 90 consecutive days, the family member will not be considered permanently absent.

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

Absence due to Incarceration

If the sole member is incarcerated for more than 180 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 180 consecutive days.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, SCPHA will determine from the appropriate agency when the children will be returned to the home.

If the time period is to be greater than 12 months from the date of removal of the children, the Voucher size will be reduced. If all children are removed from the home permanently, the certificate or voucher size will be reduced in accordance with SCPHA's subsidy standards.

Absence of Adult

If neither parent remains in the household nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, SCPHA will treat that adult as a visitor for the first 30 days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

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

If the court has not awarded custody or legal guardianship, but the action is in process, SCPHA will secure verification from social services staff or the attorney as to the status. The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

When SCPHA approves a person to reside in the unit as caretaker for the children, the income should be counted pending a final disposition. SCPHA will work with the appropriate service agencies and the Landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 3 months, the person will be considered permanently absent.

If an adult family member leaves the household for any reason, the family must report the change in family composition to SCPHA within 10 days. The notice must contain a certification by the family as to whether the adult is temporarily or permanently absent.

The family member will be determined permanently absent if proper verification is provided. Time extension will be granted as an accommodation upon request by a person with a disability.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

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

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

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than 30 consecutive days, or a total of 60 days, in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a family member.

Statements from neighbors and/or the landlord will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

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

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 150 days per year without being considered a member of the household.

Minors who are not part of the household may visit the household for up to 183 days without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 50% of the time during the year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to owner and SCPHA

Reporting changes in household composition to SCPHA is both a HUD and an SCPHA requirement.

The family obligations require the family to request SCPHA approval to add any other family member as an occupant of the unit and to inform SCPHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to SCPHA in writing within 10 days of the maximum allowable time.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease requires the family to obtain prior written approval from the owner when there are changes in family composition.

Reporting Absences to SCPHA

Reporting changes in household composition is both a HUD and an SCPHA requirement.

If a family member leaves the household, the family must report this change to SCPHA, in writing, within 10 days of the change and certify as to whether the member is temporarily absent or permanently absent.

SCPHA will conduct an interim evaluation for changes, which affect the TTP in accordance with the interim policy.

AVERAGING INCOME [24 CFR 813.106 (d)]

When Annual Income cannot be anticipated for a full twelve months, SCPHA may:

1. Average known sources of income that vary to compute an annual income, or
2. Annualize current income and conduct an interim reexamination if income changes.

If there are bonuses or overtime, which the employer cannot anticipate for the twelve months, bonuses and overtime received the previous year will be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

MINIMUM INCOME [24 CFR 813.1021]

There is \$50.00 minimum income requirement. When applying for the program, if an applicant chooses a house over the current payment standard, they may not be assisted in the unit if more than 40% of their income goes to housing costs.

INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME [24 CFR 813.106 (a)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, SCPHA will calculate the Total Tenant Payment.

1. Calculate the income by using the following methodology and use the income figure, which would result in a lower payment by the family;

(a) Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member.

OR

(b) Include the income of the person permanently confined to the nursing home and give the family the medical deductions allowable on behalf of the person in the nursing home.

REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 813.106 (b)(7)]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every month will be considered a regular contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See "Verification Procedures." for further definition.)

ALIMONY AND CHILD SUPPORT [24 CFR 813.106 (b)(7)]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, SCPHA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount.

SCPHA will accept as verification that the family is receiving an amount less than the award if:

SCPHA receives verification from the agency responsible for enforcement or collection.

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree. The SCPHA will verify child support through the child support web page if a case number is provided.

LUMP-SUM RECEIPTS [24 CFR 813.106 (b)(P)]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income, lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments, which have accumulated due to a dispute, will be treated the same as periodic payments, which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

SCPHA will calculate prospectively if the family reported the payment within 10 days and retroactively to date of receipt if the receipt was not reported within that time frame.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

1. The entire lump-sum payment will be added to the annual income at the time of the interim.
2. SCPHA will determine the percent of the year remaining until the next annual recertification as of the date of the interim (three months would be 25% of the year).
3. At the next annual re-certification, SCPHA will apply the percentage balance (75% in this example) to the lump sum and add it to the rest of the annual income.
4. The lump sum will be added in the same way for any interims, which occur prior to the next annual recertification.

Retroactive Calculation Methodology

1. SCPHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
2. SCPHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due SCPHA.

The family has the choice of paying this retroactive amount to SCPHA in a lump sum or, at SCPHA's option; SCPHA may enter into a Repayment Agreement with the family.

The amount owed by the family is a collectible debt, even if the family becomes unassisted. The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

SCPHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. SCPHA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

SCPHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$1000. If the total value of assets disposed of within a one-year period is less than \$1000, they will not be considered an asset.

CHILD CARE EXPENSES [24 CFR 813.102]

In the case of a child attending private school, only after-hours care can be counted as childcare expenses.

Reasonable child care expenses for the care of children including foster children, age 12 and younger, may be deducted from annual income if all the following are true:

1. The care is necessary to enable a family member to work, look for work, or further his/her education (academic or vocational);
2. The expense is not reimbursed by an agency or individual outside the household; and
3. The expenses incurred to enable a family member to work do not exceed the amount earned.

Child support payments made to another on behalf of a minor who is not living in the applicant household are not child care and cannot be deducted.

Care expenses for the care of disabled family members over the age of 12 cannot be deducted as a child care expense, but see the section on Allowance for Disability Assistance Expenses.

When more than one family member works, the PHA must determine which family member is being enabled to work because child care is provided. This is necessary because the child care allowance cannot exceed the income that family member earns. A good general rule is to assume that the child care expenses enable the lowest paid individual to work, unless this is obviously not the case.

When a family member works and goes to school, the PHA will prorate the child care expense so that the portion of the total child care expense that is specifically related to the hours the family member works can be compared with the amount earned.

SCPHA will determine whether child care costs are reasonable. Reasonable means reasonable for the care being provided. Reasonable costs for in-home care may be very different from reasonable day-care center costs. Families may choose the type of care to be provided.

MEDICAL EXPENSES [24 CFR 813.102 (d)]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense if the family furnishes legible receipts.

PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 812.11]

Applicability

Pro-ration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See "Recertifications.") Applicant mixed families is entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

REDUCTION IN BENEFITS

If the family's benefits, such as Social Security, SSI or TANF, are reduced through no fault of the family, SCPHA will use the net amount of the benefit.

UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR 813.102, 813.108]

The same Utility Allowance Schedule is used for Vouchers.

The Utility allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from Total Tenant Payment to establish the family's rent to the landlord. The allowances are based on actual rates and average consumption studies, not on a family's actual consumption. SCPHA will review the Utility Allowance Schedule on an annual basis and revise it if needed.

The approved utility allowance schedule is given to families along with their Voucher. The utility allowance is based on the actual unit size selected or voucher size, whichever is smaller.

Where families provide their own range and refrigerator, SCPHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance.

Where the Utility Allowance exceeds the family's Total Tenant Payment or minimum rent of \$50.00, SCPHA will provide a Utility Reimbursement Payment for the family each month. The check may be made out directly to the utility company if a request of such comes from the tenant, or directly to the tenant.

MINIMUM RENT

The SCPHA has set a minimum rent amount of \$50.00.

VERIFICATION PROCEDURES

[24 CFR 750.1, 812.6 &.12, 813.106 &.109, 913.106, 982.108, 982.210-982.213]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by SCPHA. Applicants and program participants must furnish proof of their statements whenever required by SCPHA, and the information they provide must be true and complete. SCPHA's verification requirements are designed to maintain program integrity. This chapter explains SCPHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. SCPHA will ensure that proper authorization from the family is always obtained before making verification inquiries.

METHODS OF VERIFICATION AND TIME ALLOWED

SCPHA will verify information through the five methods of verification acceptable to HUD in the following order:

Employment Income Verifications
Third-Party Written
Third-Party Oral
Review of Documents
Certification/Self-Declaration

SCPHA will allow 4 weeks for return of third-party verifications and 2 weeks to obtain other types of verifications before going to the next method.

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance.

Employment Income Verifications

The verification of income, before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals. Types of Income that may be verified using upfront income verification:

1. Gross wages and salaries (including overtime pay, commission, fees, tips, bonuses and other compensation for personal services);
2. Unemployment compensation;
3. welfare benefits
4. social security benefits (including Federal and State benefits, Black Lung benefits , dual benefits);
 - a. Social Security (SS)
 - b. Supplemental Security Income (SSI)
5. Child Support.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail or fax. The family will be required to sign an authorization for the information source to release the specified information.

Third party verification forms will not be hand carried by the family with the following exceptions:

SCPHA will accept verifications delivered by the family that are computerized printouts from the following agencies:

Social Security Administration
Veterans Administration
Department of Human Services
Bureau of Employment Services
City or County Courts

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to document the conversation, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, SCPHA will compare the information to any documents provided by the Family. If provided by telephone, SCPHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the third party has not verified the information within 4 weeks, SCPHA will note the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will document this for the file.

When necessary, SCPHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

Printed wage stubs
Computer printouts from the employer
Signed letters (provided that the information is confirmed by phone)
Other documents noted in this Chapter as acceptable verification

SCPHA will accept faxed documents.

SCPHA will accept photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, SCPHA will utilize the third party verification.

SCPHA will not delay the processing of an application beyond 30 days because a third party information provider does not return the verification in a timely manner.

Self-Certification/Self-Declaration

When Verification cannot be made by third-party verification, or review of documents, families will be required to submit a self-certification.

Self-certification means a signed statement or certification, which may be notarized if required by SCPHA.

RELEASE OF INFORMATION

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information.

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission of assistance because it is a family obligation to supply any information requested by SCPHA or HUD.

ITEMS TO BE VERIFIED

All income not specifically excluded by the regulations.

Zero-income status of household.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Childcare expense where it allows an adult family member to be employed or to further his/her education.

Total medical expenses of all family members in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus, which allow an adult family member to be employed.

Identity.

U.S. citizenship/eligible immigrant status.

Social Security Numbers for all family members regardless of age.

Marital status when needed for head or spouse definition.

Disability, for determination of allowances or deductions.

VERIFICATION OF INCOME

This section defines the methods SCPHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

Dates of employment

Amount and frequency of pay

Date of the last pay increase

Likelihood of change of employment status and effective date of any known salary increase during the next 12 months

Year-to-date earnings

Estimated income from overtime, tips, bonus and pay expected during the next 12 months.

Acceptable methods of verification include, in this order:

Use of computer matching agreements with a State Wage information Collection Agency (SWICA) to obtain wage information electronically, by mail or fax or in person.

Employment verification form completed by employer.

Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.

W-2 forms plus income tax return forms.

Self-employment ledgers or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, SCPHA will require the most recent Federal income tax statements.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

Use of HUD Employment Income Verification (EIV) to obtain current benefit history and discrepancy reports.

Benefit verification form completed by agency providing the benefits.

Award or benefit notification letters prepared and signed by the providing agency.

Unemployment Compensation

Acceptable methods of verification include, in this order:

Use of computer matching agreements with a State Wage Information Collection Agency to obtain unemployment compensation electronically, by mail or fax or in person.

Verification form completed by the unemployment compensation agency.

Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

Use of computer matching agreements with the local Social Services Agency to obtain current benefit amount electronically, by mail or fax or in person.

Copy of a separation or settlement agreement, or a divorce decree stating amount and type of support and payment schedules.

A (notarized) letter from the person paying the support.

Copy of latest check and/or payment stubs from Court Trustees. SCPHA must record the date, amount, and number of the check.

Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.

A notarized affidavit from the family indicating the amount(s) received.

A welfare notice of action showing amounts received by the welfare agency for child support.

A written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income from a Business

In order to verify the net income from a business, SCPHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

IRS Form 1040, including, as applicable:

- Schedule A & B (Income and Expenses from Business)
- Schedule C (Small Business)
- Schedule E (Rental Property Income)
- Schedule F (Farm Income)

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

Audited or non-audited financial statement(s) of the business.

Family's self-certification as to net income realized from the business during previous years, along with bank statements for the most recent complete calendar year.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the family has filed a tax return, the family will be required to provide it.

Recurring Gifts

The family must furnish a self-certification, which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, AFDC, SSI, etc. are not being received by the household.

Financial aid, scholarships and grants received by full time students are not counted towards family income.

Verification of full time student status includes:

Written verification from the registrar's office or other school official.

School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

INCOME FROM ASSETS

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends

Will be verified by:

Accounts statements, passbooks, certificates of deposit, or SCPHA verification forms completed by the financial institution.

Broker's statements showing value of stocks or bonds and the earnings credited the family. Earning can be obtained from current newspaper quotations or oral broker's verification.

IRS Form 1099 from the financial institution provided that SCPHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for the next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)

Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

IRS Form 1040 with Schedule E (Rental Income).

Copies of latest rent receipts, leases, or other documentation or rent amounts.

Documentation of allowable operating expenses of the property: tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

VERIFICATION OF ASSETS

Family Assets

SCPHA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker or realty agent as to net amount family would receive if the liquidated securities or real estate.

Real estate tax statements if the approximate current market value can be deduced from assessment.

Financial statements from business assets.

Copies of closing documents showing the selling price and the distribution of the sales proceeds.

Appraisals of personal property held as an investment.

Assets Disposed of for Less than Fair Market Value (FMV)

For all Certifications and Recertifications, SCPHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years proceeding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification (or certification) is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Written verification from the person who receives the payments is required. If the childcare provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses or expenses to assist a person(s) with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below.

Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

For attendant care:

A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other records of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. SCPHA may use the approach for "general medical expenses" such as regular visits to doctors or dentists, but not for one-time, non-recurring expenses from the previous year.

SCPHA will use mileage published by the IRS, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities

In all cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether it received reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

Certification of family and attendant and/or copies of canceled checks the family used to make payments.

Auxiliary Apparatus:

Receipts for purchases and proof of monthly payments and maintenance expenses for auxiliary apparatus.

In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, SCPHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (dd 214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School Records

If none of these documents can be provided, a third party who is a blood relative of the person may, at SCPHA's discretion, provide a notarized statement. When possible, the relative must be older than the person for whom s/he is verifying identity.

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will always be required if applicable.

Verification of relationship:

- Official identification showing names
- Birth Certificates
- Baptismal certificates

Verification of guardianship is:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency
- School records

Evidence of a family relationship:

- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior cohabitation
- Credit reports showing relationship

Verification of Change in Family Composition

SCPHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspection, the post office, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Role of Domestic Violence

In order to verify the role of domestic violence in the split up of a family when there is a dispute as to which family member shall keep the assistance, SCPHA will require written verification from police, social service agency, court, clergy person, physician, and/or public or private facility giving shelter and/or counseling to victims.

The family must certify that the abuser will not return to the household without the advance written approval from SCPHA. Before giving approval, SCPHA will require a written statement from a social worker, psychologist, or other professional familiar with the abuser that s/he has received counseling/treatment and is unlikely to continue the abuse.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories

specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while SCPHA hearing is pending.

Citizens or Nationals of the United States are required to sign a Declaration 514 under penalty of perjury.

Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. SCPHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, SCPHA must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen status on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide: For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility determination. For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the time the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial SCPHA does not supply the documents, SCPHA must conduct the determination.

Extensions of Time to Provide Documents: Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. SCPHA will generally allow up to 60 days to provide the document or a receipt issued by the INS for issuance of replacement documents.

Acceptable Documents of Eligible Immigration: The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

Verification of Social Security Numbers

Social Security numbers must be provided as a condition of eligibility for all family members regardless of age if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. 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:

- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare/Medicaid)

An identification card issued by an employer or trade union
An identification card issued by a medical insurance company
Earnings statements or payroll stubs
Bank Statements
IRS Form 1099
Benefit award letters from government agencies
Retirement benefit letter
Life insurance policies
Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records.
Verification of benefits or Social Security Number from Social Security Administration

New family members will be required to produce their Social Security Card or provide the substitute documentation described above 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 to SCPHA.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by SCPHA. The applicant/participant or 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's assistance will be terminated.

In the case of an individual at least 62 years of age, SCPHA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

A participant's household can add a new household member under the age of 6 years, even if that household member lacks a SSN at the time of admission. The participant household then has 90 days to obtain and provide documentation necessary to verify the SSN of the new household member. SCPHA will also grant the household an additional 90-day extension.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect. They will be advised to apply for the number and at time of receipt, to provide our agency with a copy of the card.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable medical professional.

VOUCHER ISSUANCE AND BRIEFINGS

INTRODUCTION

SCPHA's objectives are to assure that families selected to participate are successful in obtaining an acceptable housing unit and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families have been determined to be eligible, SCPHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, SCPHA procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program. This chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

ISSUANCE OF VOUCHERS [24 CFR 982.204 (d), 982.54 (d)(2)]

When funding is available, SCPHA will issue Vouchers to applicants whose eligibility has been determined. The issuance of Vouchers must be within the dollar limitations set by the ACC budget.

The number of Vouchers issued must ensure that SCPHA stays as close as possible to 100% lease-up. SCPHA performs a regular calculation to determine whether applications can be processed, the number of Vouchers that can be issued, and to what extent SCPHA can over-issue (issue more Vouchers than the budget allows).

SCPHA may over-issue Vouchers only to the extent necessary to meet leasing goals. All Vouchers, which are over-issued, must be honored. If SCPHA finds it is over-leased, it must adjust future issuance of Vouchers in order not to exceed the ACC budget limitations over the fiscal year.

BRIEFING TYPES AND REQUIRED ATTENDANCE

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted on an individual basis.

Briefings will be conducted in English.

The purpose of the briefings is to explain the documents in the Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

SCPHA will not issue a Voucher to a family unless the household representative has attended a briefing and signed the Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for another briefing. Applicants who fail to attend 2 scheduled briefings, without prior notification and approval of SCPHA, may be denied admission based on failure to supply information needed for certification. SCPHA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet

The documents and information provided in the briefing packets for both the Voucher programs will comply with all HUD requirements. SCPHA also includes other information or materials, which are not required by HUD.

The family is provided with the following information and materials.

- The term of the voucher, and SCPHA policy for requesting extensions to the term of the voucher.
- A description of the method used to calculate the assistance payment, payment standards, and utility allowances.
- How the maximum allowable rent is determined.
- Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, energy efficiency, and security.
- The boundaries of the geographical area in which the family may lease a unit including an explanation of portability.
- The HUD lease addendum and SCPHA sample lease.

- The Request for Lease Approval form, and a description of the procedure for requesting approval for a unit.
- SCPHA policy on providing information about families to prospective owners.
- The Subsidy Standards, when and how exceptions are made.
- Information on Federal, State, and local equal opportunity laws, the form for reporting suspected discrimination and the phone numbers of the local fair housing agency and the HUD enforcement office.
- A list of landlords or other parties willing to lease to assisted families or help in the search and/or known units available for the size certificate or voucher issued.
- If the family includes a person with disabilities, notice that SCPHA will provide a list of available accessible units known to SCPHA.
- The Family Obligations under the programs.
- The grounds for termination of assistance because of family action or failure to act.
- When SCPHA is required to offer an informal hearing, how to request the hearing, and the hearing procedures.
- A brochure describing the family's rights as tenant.
- Information on lead base paint.

Other Information to be provided at the Briefing

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and SCPHA, and SCPHA and the owner.

The briefing presentation emphasizes:

- Family and owner responsibilities.
- Where a family may lease a unit inside and outside its jurisdiction.
- How portability works for families eligible to exercise portability.
- Advantages to moving to area with low concentration of poor families if family is living in a high poverty census tract in SCPHA's jurisdiction.
- Exercising choice in residency.
- If the family includes a person with disabilities, SCPHA will ensure compliance with CFR 8.6 to ensure effective communication.

Move Briefing

A move briefing will be held for participants who will be reissued Vouchers to move, and who have been recertified within the last 120 days, and have given notice of intent to vacate to the landlord. This briefing includes outgoing portable families.

Families failing to attend a scheduled move briefing 2 times will be denied a new Voucher based on failure to provide required information.

ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and SCPHA will provide assistance to families who wish to do so.

SCPHA will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low-income households. The lists of owners/units will be available at the information center and provided at briefings.

ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

Fair Housing Laws

SCPHA provides the family with a complaint form and the telephone of the local Fair Housing Office.

SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

Leases Effective Prior to October 2, 1995

The amount of Security Deposit, which could have been collected by owners under contracts effective prior to October 2, 1995, is:

For the Voucher Program, the owner, at his/her discretion could have collected a Security Deposit in an amount not to exceed the amount charged to unassisted tenants up to a maximum of one month's rent.

TERM OF VOUCHER [24 CFR 982.303, 982.54 (d)(11)]

During the briefing session, each household will be issued a Voucher, which represents a contractual agreement between SCPHA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective. A family must continue to meet program eligibility requirements after funding is issued and before admission to the program.

Expirations

The Voucher is valid for a period of sixty calendar days from the date of issuance. The family must submit a Request for Lease Approval and lease, if applicable, within the sixty-day period unless an extension has been granted by SCPHA.

If the Voucher has expired, and has not been extended by SCPHA or expires after extension, the family will be denied assistance. The family will have the right to reapply. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Suspensions

When a Request for Lease Approval is received, SCPHA will not deduct the number of days required to process the request from the 60-day term of the voucher.

Extensions

A family may request an extension of the Voucher time period. All requests for extensions must be received prior to the expiration date of the Voucher.

Extensions are permissible at the discretion of SCPHA up to a maximum of 120 days, primarily for these reasons:

- Extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.
- SCPHA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of SCPHA, throughout the initial sixty-day period.
- The family was prevented from finding a unit due to disability accessibility requirements or large size bedroom unit requirement.
- If the vacancy rate for rental housing in the jurisdiction can be determined to be less than 10 percent, extensions will be granted automatically on requests up to a total of 120 days.

SCPHA extends in one or more increments: No more than 2 extensions of 30 days or less will be granted and never for a total of more than an additional sixty days without HUD approval.

At the discretion of SCPHA it may request HUD approval to extend the Voucher beyond an additional 60 days.

Assistance to Voucher Holders

Families who require additional assistance during their search may call SCPHA Office to request assistance. Voucher holders will be notified at their briefing session that SCPHA periodically updates the listing of available units and how the updated list may be obtained.

SCPHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, SCPHA shall consider the following factors to determine which of the families will continue to be assisted:

- Which of the two new family units has custody of dependent children.
- Which family member was the head of household when the Voucher was initially issued listed on the initial application.
- The composition of the new family units, and which unit contains elderly or disabled members.
- Whether domestic violence was involved in the breakup.
- Which family members remain in the unit.
- Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, SCPHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER [24 CFR 812.2-definition]

To be considered the remaining member of the tenant family, the person must have been previously approved by SCPHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

SCPHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the children for an indefinite period.

A reduction in family size may require a reduction in the voucher size at recertification.

REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

INTRODUCTION [24 CFR 982.305 (a)]

After families are issued a voucher, they must search for a unit anywhere within the jurisdiction of SCPHA, unless they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with SCPHA. This chapter defines the types of eligible housing, SCPHA's policies, which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RFTA).

REQUEST TENANCY APPROVAL [24 CFR 982.305 (b)]

The Request for Tenancy Approval and a copy of the proposed lease (if applicable) must be submitted by the family during the term of the voucher.

Both the owner and Voucher holder must sign the Request for Tenancy Approval.

SCPHA will not permit the family to submit more than one RFTA at a time.

SCPHA will review the documents to determine whether or not they are approvable.

The request will be approved if:

- The unit is an eligible type of housing.
- The unit meets HUD's HQS (and any additional criteria as identified in this Admin Plan).
- The rent is reasonable.
- The security deposit amount is approvable.
- The proposed lease complies with HUD and SCPHA requirements.
- The owner is approvable, and there are no conflicts of interest.

DISAPPROVAL OF RFTA

If SCPHA determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. SCPHA will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given 10 calendar days to submit an approvable RFLA from the date of disapproval.

When, for any reason, an RFLA is not approved, SCPHA will furnish another RFLA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

The time limit on the Voucher will not be suspended while the RFLA is being processed.

INELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54 (D)(15)]

SCPHA will not approve any of the following types of housing in the Certificate and Voucher program:

- Nursing Homes or other institutions that provide care.
- School dormitories and institutional housing.
- In accordance with 24 CFR 982 Restrictions on leasing to relatives, the SCPHA will not permit a Section 8 recipient to lease a unit from a relative unless necessary to permit reasonable accommodation.
- Any other types of housing prohibited by HUD.

LEASE REVIEW [24 CFR 982.308]

SCPHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations. Responsibility for utilities, appliances and optional services must correspond to those provided on the RFLA.

Separate Agreements

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by SCPHA.

Any appliances, services or other items, which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item. For example, there are a limited number of garages at an apartment complex, and tenants who wish to use them must, at their option, pay an additional \$25.00 per month. A separate agreement may be signed for use of a garage.

SCPHA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by SCPHA. If agreements are entered into at a later date, they must be approved by SCPHA and attached to the lease.

If the owner makes general modifications to the unit, the costs should be recovered through the rent collected, not by having the tenant pay for the modifications. An exception would be considered if the modifications are such that they most likely would be removed if the tenant moved out and/or are necessary for the individual with disabilities to enjoy the unit and the owner is not obligated to make the modifications but will allow them and assist in their installation.

INITIAL INSPECTIONS [24 CFR 982.305 (a) & (b)]

See "Housing Quality Standards and Inspections."

RENT LIMITATIONS [24 CFR 882.106 (a)]

For the Voucher programs, SCPHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

INFORMATION TO OWNERS [24 CFP. 987.307 (b), 982.54 (d)(7)]

SCPHA is required to provide prospective owners with the address of the applicant and the names and addresses of the current and previous landlord, if known.

SCPHA will make an exception to this requirement if SCPHA has been informed that the family's whereabouts must be protected due to domestic abuse or witness protection.

SCPHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

The information will be provided orally.

SCPHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

OWNER DISAPPROVAL [24 CFR 982.306]

For purposes of this section, "owner" includes a principal or other interested party.

SCPHA will disapprove the owner for the following reasons:

- HUD has informed SCPHA that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed SCPHA that the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such actions are pending.
- HUD has informed SCPHA that a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal equal opportunity requirements.
- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- The owner has been convicted of fraud, bribery or any other corrupt act in connection with any Federal housing program.
- The owner has a drug related or violent criminal history, required to sign as a registered sex offender.
- 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.

CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP contract, the information will be verified and the TTP will be recalculated. If the family does not report any change, SCPHA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)] [see also 11(A).(B.) & 15(D.)]

SCPHA prepares the Housing Assistance Contract for execution. The family and the owner will execute the Lease agreement, and the owner and SCPHA will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents, if requested. There can be no Contract if there is no assistance payable by SCPHA on behalf of the family.

No payments will be made until the contract is executed.

The following SCPHA representative is authorized to execute a contract on behalf of SCPHA: The Housing Director or Assistance Housing Director.

Owners may be required to provide the current address of their residence. If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security Number and complete an Owner Certification form and W-9 (if applicable), or submit a copy of social security verification.

The owner may be required to provide a business or home telephone number.

As a general rule, electronic signatures, including but not limited to facsimiles, e-mail, photo as original signatures.

Original live signatures must be provided whenever required by HUD regulation or Federal State or Local law.

CHANGE IN OWNERSHIP

A change in ownership does not require execution of a new contract.

SCPHA will process a change of ownership upon request of either the new owner or the old owner.

SCPHA requires both, the previous landlord and the new landlord to sign a form certifying the transfer of land and knowledge of the program rules and regulations. The new owner must provide a Social Security or appropriate Employer Tax Identification Number and sign the Owner Certification and a W-9 (if applicable).

HOUSING QUALITY STANDARDS AND INSPECTIONS

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit.

These minimum Standards may be enhanced by SCPHA, provided that by doing so, SCPHA does not overly restrict the number of units available for lease under the program. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and SCPHA requirements. This chapter describes SCPHA's procedures for performing HQS and other types of inspections, and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of noncompliance with HQS requirements for both families and owners.

GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401 (a), 982.405]

SCPHA has adopted local requirements of acceptability in addition to those mandated by the HUD Regulations.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

There are five types of inspections SCPHA will perform:

- Initial/Move-in: Conducted upon receipt of Request for Tenancy Approval.
- Bi-Annual: Must be conducted within 24 months of the previous annual HQS inspection.
- Special/Complaint: At request of owner, family or an agency or third party.

- Move-Out/Vacate: At landlord's request, if a claim is to be submitted for contracts effective before 10/2/95 only.
- Quality Control: A quality control inspection will be conducted for 5 percent of all units, which have been inspected.

ACCEPTIBILITY CRITERIA AND EXCEPTIONS TO HQS [24CFR 982.401(a)]

SCPHA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet with the additions described below.

Additions to HQS:

Carbon Monoxide Detector:

Require owners to have operational Carbon Monoxide detectors (1) in units that have fuel-fired/burning appliances(s) and/or an attached garage, and (2) in bedrooms that contain a fireplace or a fuel-fired or burning appliance.

Heating:

Adequate heat shall be considered to be not less than 60 degrees. When the exterior temperature falls below 0 degrees and the heating system are heating at capacity, a minimum room temperature of 60 degrees must be maintained. The temperature shall be measured at a point 3 feet above the floor and 3 feet from exterior walls.

Sanitary conditions:

Unsanitary conditions where exposed food, garbage, and excrement exist to a degree where health is endangered, it shall be a fail condition.

Weather exceptions:

When the weather conditions prevail which prevent the completion of exterior painting and/or roof repair, a waiver will be executed between the owner and the PHA, which shall note the extension date of the repair deadline. Owner must agree to complete the repair when weather permits and by the established waiver deadline. The owner must notify the PHA promptly upon completion. If the owner fails to complete the repair by the extended deadline, the unit will be failed and the abatement and/or termination procedures will be executed.

Mobile Homes:

All mobile homes will be required to have skirting which shall not have gaps or holes (excluding closeable vents) that would allow cold air flow during winter months.

Wood Stoves:

Wood stoves will be required to have at least 36 inches of clearance from a combustible wall or combustible material. A fire-resistant mat will be required, which extends a minimum of 18 inches in from of the door(s). Stove piping must be installed in a manner, which does not present a hazard. Stove must be free of holes and in proper operating condition to avoid a fire hazard.

Openable windows:

At least one openable window used for ventilation (per requirement of HQS) will be required to have screens to deter insects from entering the unit.

When local housing maintenance codes are stricter than HQS, those elements of local codes shall apply.

INSPECTIONS

SCPHA conducts an inspection in accordance with Housing Quality Standards at least bi-annually prior to the anniversary month of the contract. Special inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies, which cause a unit to fail, unless it is a fail for which the tenant is responsible. The family is only responsible for breaches of HQS, which are caused by:

- Non-payment of utilities paid by the family.
- Not providing, or failing to maintain, appliances not provided by the owner, and
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear.

The family must allow SCPHA to inspect the unit at reasonable times with reasonable notice [24 CFR 982.51 (d)]. Reasonable hours to conduct an inspection are between 8 a.m. and 5 p.m.

SCPHA will notify the family in writing at least 5 days prior to an annual inspection. The family is notified of the date and time of the inspection appointment in writing from SCPHA. If the family is unable to be present, they must arrange for entry for the inspector or reschedule the appointment so that the inspection is completed within 30 days.

If the family does not contact SCPHA to reschedule the inspection or if the family misses 2 inspection appointments, SCPHA will consider the family to have violated a Family Obligation and its assistance will be terminated in accordance with the termination procedures in the Plan.

Re-inspection: A re-inspection will not be scheduled until SCPHA is notified by the family or the owner that the repairs have been completed and the unit is ready for re-inspection. This re-inspection shall be rescheduled either orally or in writing with the person(s) responsible for granting entry to SCPHA inspector. Should the repairs be of a minimal importance to be determined by each inspector, it will be allowed for the housing assistant to forward a certification for the landlord and tenant to sign stating the repairs have been completed as required to pass housing quality standards.

Time Standards for Repairs

1. Emergency items, which endanger the family's health or safety, must be corrected within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days or a time to be determined by the housing inspector and landlord.
3. For major repairs, the Housing Director may approve an extension beyond 30 days, if the item doesn't endanger the health or safety of the family or the public. A non-life threatening (NLT) condition is defined as any condition that would fail to meet the housing quality standards under 24 CFR 982.401 and is not a life-threatening (LT) conditions as defined by HUD.

EMERGENCY REPAIR ITEM [24 CFR 982.401 (a)]

HUD's definition of Life Threatening (LT) conditions includes specific conditions under 10 categories, as described in the January 18, 2017 implementation notice of HOTMA. The following items are considered of an emergency nature and must be corrected or abated by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

- Natural gas leak or fumes
- Electrical problem which could result in shock or fire

- Inoperable or missing smoke detector
- Interior air quality
- Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting
- Lack of alternative means of exit in case of fire or blocked egress
- Other interior hazards (lack of carbon monoxide detector where state or local law, code or other regulations require a detector).
- Lead-Base Paint when a child under age of 6 will be living in unit. This is only at lease up.
- Any other condition subsequently identified by HUD in a notice published in the Federal Register
- Any other condition identified by PHA.

SCPHA may give a short extension (not more than 48 additional hours) whenever the responsible party cannot be notified or it is impossible to affect the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to affect the repair, proper authorities will be notified by SCPHA.

If the emergency repair item(s) are not corrected in the time period required by the SCPHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated (see below for abatement).

If the emergency repair item(s) are not corrected in the time period required by SCPHA, and it is an HQS breach, which is a family obligation, SCPHA will terminate the assistance to the family and the owner's payment will not be abated for the breach of HQS.

CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by SCPHA and has failed to do, the assistance payments to the owner will be abated. For recertification, abatement will not be done by SCPHA as long as repairs are completed prior to new contract date.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the first day of the month following the missed deadline. The abatement period will be a time period reasonable set by the SCPHA given the nature of the repair and other factors such as weather. In no case, except as provided for below in Extensions, shall the abatement period exceed 30 days.

SCPHA will inspect abated units within 3 days of the owner's notification that the work has been completed. If the owner makes repairs during the abatement period, payment will resume on the day SCPHA was notified assuming the unit has passed a delayed inspection.

The family will be notified of the re-inspection date.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for SCPHA's portion of rent that is abated.

Extensions

SCPHA may grant an extension in lieu of abatement in the following cases:

- The owner has a good history of HQS compliance.

- The failed items are minor in nature.
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The owner makes a good faith effort to make the repairs.
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.
- The repairs must be delayed due to climate conditions.
- The tenant is not remaining in the unit following the anniversary date, which falls at the end of the 30-day abatement period.
- The owner lets the agency know of an illness or other condition which is delaying the repairs.

The extension will be made for a period of time not to exceed 30 days. At the end of that time, if the work is not completed, the SCPHA will begin the termination of assistance.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Termination notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination will be rescinded by SCPHA if the tenant chooses to remain in the unit. Only two Housing Quality Standards inspections will be conducted after the termination notice is issued.

DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service.
- Failure to provide or maintain family-supplied appliances
- Failure to keep premises or equipment in a sanitary condition.
- 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.

The owner is responsible for all other HQS violations.

The PHA will not determine who is responsible for vermin infestation. We will however forward a form which gives the tenant and landlord guidelines to decide who is responsible. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. SCPHA may terminate the family's assistance on that basis.

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

CONSEQUENCES IF FAMILY IS RESPONSIBLE

If non-emergency violations of HQS are determined to be the responsibility of the family, SCPHA will require the family to make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, SCPHA will terminate assistance to the family. The Assistant Housing Director or the Housing Director must approve extensions in these cases. The owner's rent will not be abated for items, which are the family's responsibility. If the family's housekeeping standards are so lax as to cause infestation, fire hazards, egress limitations, safety hazards on stairs and elsewhere throughout the unit, the family will correct the condition within 48 hours, or the SCPHA will terminate assistance to the family.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

INITIAL HQS INSPECTION

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
- Document the current condition of the unit as a basis to evaluate whether the future condition of the unit exceeds normal wear and tear.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial HQS inspection, the owner will be advised to notify SCPHA once repairs are completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as Fail, at SCPHA's discretion, depending on the amount and complexity of work to be done and taking into consideration the length of time remaining on the family's voucher.

If the time period given by SCPHA to correct the repairs has elapsed, or the maximum number of failed re-inspections has occurred, the family must select another unit if there is time remaining on its voucher.

BI-ANNUAL HQS INSPECTION

Rent Increases

SCPHA will conduct an inspection using the HQS and other standards approved in this Administrative Plan at least every 24 months, prior to the anniversary month of the contract. Rent increase requests in the Voucher program will not be approved if the unit is in a failed condition.

SPECIAL/COMPLAINT INSPECTION

If at any time the family or owner notifies SCPHA that the unit does not meet Housing Quality Standards, SCPHA will conduct an inspection.

SCPHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

SCPHA will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be notified if these items.

If the anniversary date is within 120 days of a special inspection, the special inspection may be categorized, as annual and all annual procedures will be followed.

QUALITY CONTROL INSPECTIONS

The Section 8 manager and/or Housing Director on five percent of the units of each inspector will perform quality Control Inspections. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

INTRODUCTION

SCPHA is responsible to ensure that the rents charged by owners are reasonable based upon objective comparables in the rental market. When SCPHA has determined that the unit meets the minimum HQS, that the lease is approvable, and that the rent is reasonable, it will make timely payments to the owner and notify the owner of the procedures for rent adjustments in the Voucher program. This chapter explains SCPHA's procedures for determination of rent reasonableness, payments to owners, and adjustments to the Payment Standards, and rent adjustments.

OWNER PAYMENT

The maximum subsidy for each family is determined by the current Payment Standard for the Voucher size issued to the family, less 30% of the family's Monthly Adjusted Income, whichever is more.

The Voucher size issued to the family is based on SCPHA's Subsidy Standards. The Payment Standard for the family is based on the lesser of the Payment Standard for the Voucher size issued and the Payment Standard for the unit selected.

The Housing Assistance Payment to the owner is the lesser of the subsidy described above or the rent charged by the owner.

MAKING PAYMENTS TO OWNERS

Once the HAP Contract is executed, SCPHA begins processing payments to the landlord. The effective date and the amount of SCPHA payment are communicated to the owner and tenant in writing. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made to the HAP Register for the following month. Checks are disbursed by the Housing Director to the owner each month.

Checks may be picked up by owner at SCPHA, but are routinely mailed on the second working day of the month.

Checks that are reported as missing or not received by the landlord will not be replaced prior to the end of the month or after the bank statement has been received and not until a request has been received from the payee and a stop payment has been put on the check. If SCPHA is able to determine that the check has not been cashed prior to issuance of a stop payment, a new check can be issued prior to the end of the month.

RENT REASONABLENESS DETERMINATIONS [24 CFR 882.106 (b), 952.4]

Rent reasonableness determinations are made when units are placed under HAP Contract for the first time and when an owner requests a rent increase in the Voucher Program.

For the Voucher Program, SCPHA will determine and document on a case-by-case basis that the approved rent:

1. Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex, and
2. Is reasonable in relation to rents currently charged by other owners for comparable units in the unassisted market?

The SCPHA employee will try to find at least three comparable units to be used for each rent determination, one of which should be from the first category above if possible. All comparables must be based on the rent that the unit would command if leased in the current market.

The data for other unassisted units will be gathered from newspapers, realtors, and inquiries of owners, market surveys, and other available sources.

The market areas for rent reasonableness are all census tracts within SCPHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area where adequate data exists.

The following items will be used for rent reasonableness documentation:

- Square Footage
- Number of Bedrooms
- Facilities
- Number of Bathrooms
- Quality
- Amenities
- Date Built
- Unit Type
- Management and Maintenance Services

SCPHA maintains a data program that includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis.

SCPHA uses an "appraisal" method and tests the subject unit against selected units in the same area with similar characteristics. Adjustments are made for the above list of items.

PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 887.351 (a)(b)]

The Payment Standard is initially set by SCPHA at the Fair Market Rent in effect at the time the Annual Contributions Contract for the first increment of Voucher funding is approved by HUD. The Payment Standard is used to determine the maximum subsidy which can be paid by SCPHA on behalf of the family.

ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 887.209 (b), 887.351 (c)(d)]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families' rents affordable. SCPHA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will SCPHA raise Standards if the need is solely to make "high end" units available to Voucher holders.

SCPHA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and this policy and if an increase is warranted, the payment standard will be adjusted within 90 - 110% of the current Fair Market Rent.

SCPHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

SCPHA will review reports showing the percent of income used for rent by Voucher families to determine the extent to which the rent burden is more than 35%. SCPHA will also take into account increases in local utilities, which may exceed the anticipated inflationary factor.

Availability of Suitable Vacant Units Below the Payment Standard

SCPHA will review its rent reasonableness database and vacancy rate data to determine whether there is an ample supply of vacant units below the Payment Standard.

Quality of Units Selected

SCPHA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

SCPHA Decision Point

SCPHA will review the quality and size of units where families are paying more than 45% of their adjusted monthly income for rent. If more than 50% of families have selected above-average units or have selected larger units than the Voucher size, SCPHA may elect not to increase the Payment Standard or continue the analysis.

SCPHA will determine the number of families (other than those noted above who have selected above-average or larger units) who are paying more than 45% of their adjusted monthly income for housing; if this represents more than 45% of the total families, SCPHA will apply the same study by bedroom size to determine if the Payment Standard should be raised for each funding size.

Rent to Owner Increases

SCPHA may review a sample of the units to determine how often owners are increasing rents after the first year of the lease and the average percent of increase by bedroom size. The sample will be divided into units with and without the highest cost utility included.

A comparison will then be made to the applicable annual adjustment factor to determine whether owner increases are excessive in relation to the published annual adjustment factor.

Time to Locate Housing

SCPHA may consider the average time period for families to lease up under the Voucher program as compared to previous periods of time with similar occupancy rates. If the average for present Voucher holders exceeds that for past Voucher holders by 30 days, the Payment Standard may be adjusted.

Rent Reasonableness Data Base/Average Contract Rents

SCPHA will compare the Payment Standards to average gross rents in its Rent Reasonableness notebook by unit size. The Payment Standards should be on a par with or less than these amounts.

Lowering of the Payment Standard

Statistical analysis may reveal the Payment Standard should be lowered; in which case, the Payment Standard should not be less than 90% of the current FMR. If the FMR is lowered, the Payment Standard may not exceed the FMR except in those cases where families are held harmless until they move to a different dwelling unit or have a change in family composition, which would affect their Voucher size.

Financial Feasibility

Before increasing the Payment Standard, SCPHA may review the budget and the project reserve to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, SCPHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by SCPHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

RENT ADJUSTMENTS [24 CFR 882.108]

Owners may not request rent adjustments in the Voucher Program to be effective prior to the expiration of the first year of the lease. Following the initial period rent adjustments are effective:

With a sixty-day notice to the family and a copy to SCPHA. SCPHA will advise the family as to whether the rent is reasonable and affordable for the family and shall approve or disapprove the rent increase.

Welfare-to-Work Income Changes

Resulting from Welfare Program Requirements, families who have a reduction in their welfare assistance due to fraud or failure to participate in an economic self-sufficiency program must not have their Section 8 contribution to rent reduced based on the benefit reductions.

The prohibition on reduction of Section 8 tenant-based assistance contribution is applicable only if the welfare reduction is neither the result of the expiration of a lifetime time limit on receiving benefits, nor a situation where the family has complied with welfare program requirements, but cannot obtain employment.

RE-CERTIFICATIONS

INTRODUCTION

HUD requires that SCPHA recertify the income and household composition of all families at least annually. In addition, SCPHA is required to inspect the assisted unit at least bi-annually. These activities must be coordinated to ensure that they are completed in accordance with the regulation. It is a HUD requirement that families report all changes in household composition, but SCPHA decides what other changes must be reported, and the procedures for reporting them. This chapter defines SCPHA's policy for conducting annual recertifications and coordinating the three annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

ANNUAL ACTIVITIES [24 CFR 882.212 (a), 887.355]

There are two activities SCPHA must conduct at re-certification time. These activities will be coordinated whenever possible:

1. Recertification of Income and Family Composition
2. HQS Inspection

SCPHA produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Housing Director.

Annual activities for contracts that did not commence on the first of the month must be conducted no later than the first of the month in which the lease was effective.

Bi-Annual inspections: See Chapter 10, "Housing Quality Standards and Inspections"

Rent Adjustments: See "Owner Rents, Rent Reasonableness and Payment Standards"

ANNUAL RECERTIFICATION /REEXAMINATION [24 CFR 882.212 (a), 887.355]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

When families move to another dwelling unit:

An annual recertification will be scheduled (unless a recertification has occurred in the last 120 days) and the anniversary date will be changed.

Income Limits are not used as a test for continued eligibility at recertification unless the family is moving under portability and changing their form of assistance.

Reexamination Notice to the Family

SCPHA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview approximately 120 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, SCPHA will provide the notice in an accessible format. SCPHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

If requested by the owner, a simple notice of the date of the annual recertification will be mailed to the owner.

Procedure

SCPHA's procedure for conducting annual recertifications will be to schedule the date and time of appointments and mail a notification to the family.

Persons with Disabilities

Persons with disabilities, who are unable to come to SCPHA's office, will be granted an accommodation of conducting the interview by mail or telephone, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

SCPHA will allow the family to complete the recertification form and will then interview the family with questions based on the responses on the recertification form.

Requirements to Attend

The following family members will be required to attend the recertification interview:

The head of household only.

If the head of household is unable to attend the appointment will be rescheduled.

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment date up to one day prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with SCPHA, SCPHA will not reschedule a second appointment. In this case SCPHA will then terminate assistance to the family and offer them an informal hearing.

If the family fails to appear for a second appointment which has been scheduled and has not rescheduled, or made prior arrangements, SCPHA will terminate assistance to the family, and offer them an informal hearing.

The Housing Director may make exceptions to these policies if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Documents Required From the Family

In the notification letter to the family, SCPHA will include instructions for the family to bring the following:

Recertification Application with signatures of all adult family members
Documentation of any divorce or custody paperwork not previously submitted
Federal Income Tax forms filed for past year, if applicable
Other documentation for new family members if not already submitted

Verification of Information

SCPHA will follow the verification procedures and guidelines described in this Plan.

Tenant Rent Increases

If tenant rent increases, a thirty-day notice is mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month which is the anniversary date.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If tenant rent decreases, it will be effective upon verification according to policy.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by SCPHA.

REPORTING INTERIM CHANGES [24 CFR 882.212 (b), 887.357]

HUD requires program participants to report all changes in household composition to SCPHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain SCPHA approval prior to all other additions to the household.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required after moving into the unit.

Increases in Income

Interim Reexamination Policy

SCPHA will conduct interim reexaminations when families have an increase in income. SCPHA ask the family to report any income changes. Failure to report in a timely manner will result in the agency putting the rent increase into affect next rent due date. Otherwise, there will be a 30 day notice. There may be a retroactive increase in TTP allowing a claim owed the SCPHA.

Decreases in Income

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The report must be in writing to SCPHA. SCPHA must calculate the change if a decrease in income is reported following verification procedures. If this is done in an untimely manner, the affect is not retroactive.

SCPHA Errors

If SCPHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification.

In the following circumstances, SCPHA may conduct the interim recertification by mail:

As a reasonable accommodation when requested. (See "Statement of Policies and Objectives")

NOTIFICATION OF RESULTS OF RECERTIFICATIONS

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by SCPHA. If the family disagrees with the rent adjustment, they may request an informal hearing.

TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

Standard for Timely Reporting of Changes

SCPHA requires that families report in writing interim changes to SCPHA within 10 days of the change. Any information, document or signature needed from the family, which is needed to verify the change, must be provided within 10 days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change From Zero Income is Reported in a Timely Manner

SCPHA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Increases in the Tenant Rent is effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change occurred. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

The change may be implemented based on documentation provided by the family, pending third-party written verification.

Procedures when the Change is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be Liabile for any overpaid housing assistance and may be required to sign a Repayment Agreement or make a lump sum payment. There will be no 30- day notice following rent increase. Rent increase will go into affect on the first of the immediate month following.

Decrease in Tenant Rent will be effective on the first of the month following completion of processing by SCPHA and not retroactively.

Procedures when the Change is Not Processed by SCPHA in a Timely Manner

"Processed in a timely manner," means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by SCPHA in a timely manner.

In this case, an increase will be effective after the required thirty-day notice prior to the first of the month after completion of processing by SCPHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

REPORTING OF CHANGES IN FAMILY COMPOSITION [24 CFR 882.213, 887.359 (a)(b)]

All changes in family composition must be reported in writing within 10 days of the occurrence.

Increases in Family Size

Increases other than by birth, adoption or court-awarded custody must have the prior approval of the owner and SCPHA.

If an addition would result in overcrowding according to HQS maximum occupancy standards:

SCPHA will issue a larger Voucher (if needed under the Subsidy Standards) for additions to the family at recertification in the following cases:

- Addition by marriage/or marital-type relation.
- Addition of a minor who is a member of the nuclear family who had been living elsewhere.
- Addition of an SCPHA-approved live-in attendant.
- Addition of any relation of the Head or Spouse.
- Addition due to birth, adoption or court-awarded custody.

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding; the change in Voucher shall be made effective immediately. SCPHA may determine whether to issue a Voucher in this instance based on funding availability. If there is no funding availability in either program, the family will be placed on the Transfer List.

CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 812.10 (c)]

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

1. The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND
2. All members of the family other than the head, the spouse, parents of the head, parents of the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, the family may choose prorated assistance (See "Factors Related to Total Tenant Payment Determination"), or SCPHA may offer temporary deferral of termination (See "Denial or Termination of Assistance").

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within SCPHA's jurisdiction, or to a unit outside of SCPHA's jurisdiction under Portability procedures. The regulations also allow the HA the discretion to develop policies which define any limitations or restrictions on moves. This chapter defines the procedures for moves, both within and outside of, SCPHA's jurisdiction, and the policies for restriction and limitations on moves.

ALLOWABLE MOVES

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the HA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner).
4. If a Mutual Recission has been completed by both the tenant and landlord.

RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552]

Families will not be permitted to move more than once in a 12-month period. (The HA understands that landlords and tenants may enter into mutual rescissions of a lease which may necessitate a move procedure for the family; however, the HA must approve any such move.)

The HA will deny permission to move if there is insufficient funding for continued assistance. The HA will deny permission to move to if:

- The family has violated a Family Obligation.
- The family owes the HA or previous landlord money.
- The family has moved within the last 12 months.
- The FMR of the area in which the move will take place is higher than the FMR area in which they are moving from.

The Housing Director may grant exceptions to these restrictions if extenuating circumstances exist over which the family has no control. Such circumstances include, but are not limited to:

- The family's need for accessible housing.
- The occurrence of domestic violence in the household.
- The need to relocate because of employment, health, or education.

In appropriate cases, an exception to the policy will be considered a reasonable accommodation. However, the family must have gone about the process properly.

PROCEDURE FOR MOVES

Issuance of Voucher

If the family has not been recertified within the last 60 days, the HA will issue the voucher to move after conducting the recertification.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits and the unit meet HQS. If this occurs at recertification time the landlord as must still address HQS violations requested during the recertification process.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and the HA proper written notice of any intent to move. The family must give the HA a written 30 day calendar month notice of intent to move.

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the HA simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease mid-month and the HAP was prorated accordingly. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into SCPHA's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the initial HA's jurisdiction. The unit may be located:

1. In the same state as the initial HA;
2. In the jurisdiction of a Housing Authority anywhere within the United States that administers a tenant based program.

OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

When a family requests to move to outside of SCPHA's jurisdiction, the request must specify the area to which the family wants to move.

If the family is moving to a unit located in the same state as the initial Housing Authority and there is not a Housing Authority in the area where the unit is located, the initial Housing Authority will be responsible for the administration of the family's assistance.

SCPHA may choose a management company, another Housing Authority or a private contractor to administer the assistance if the distance is too great to administer itself.

If there is more than one Housing Authority in the area in which the family has selected a unit, SCPHA will choose the receiving Housing Authority.

Restrictions on Portability

1. Families will not be permitted to exercise portability prior to, or during, the initial 12-month period after admission to the program, if neither the head nor spouse had a domicile (legal residence) in SCPHA's jurisdiction at the date of their initial application for assistance. All applicants for portability must prove they have been in our jurisdiction for 12 months at time of request of portability.
2. If the family is in violation of a family obligation.
3. If the family owes money to the HA.
4. If the housing agency in which the family wishes to move to has a FMR higher than SCPHA at the time of the move and the SCPHA does not have the funds.

Outgoing Portability Procedures

SCPHA will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, SCPHA will determine if the family is within the very low income Limit of the receiving Housing Authority. If the receiving Housing Authority will absorb and the family will be changing its form of assistance, SCPHA will determine if the family is within the low income Limit of the receiving Housing Authority, and advise the family accordingly.

SCPHA will notify the Receiving Housing Authority that the family wishes to relocate into its jurisdiction.

SCPHA will advise the family how to contact and request assistance from the receiving Housing Authority.

SCPHA will provide the following documents and information to the Receiving Housing Authority:

1. A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form (if receiving prior assistance) and verifications.
3. Declarations and verifications of U.S. citizenship/eligible immigrant status.
4. HUD form 52665

The Receiving Housing Authority must notify SCPHA within 10 days of the following:

The Receiving Housing Authority decides to absorb the family into their own program.

The family leases up or fails to submit a Request for Tenancy Approval by the required date.

Assistance to a portable family is terminated by the Receiving Housing Authority. The family requests to move to an area outside the Receiving Housing Authority's jurisdiction.

Payment to the Receiving Housing Authority

SCPHA will requisition funds from HUD based on the anticipated lease-ups of portable Vouchers in other Housing Authority's jurisdictions. Payments for families in other jurisdictions will be made to other Housing Authorities when billed or in accordance with other HUD approved procedures for payment.

When billed, SCPHA will reimburse the Receiving Housing Authority for 100% of the Housing Assistance Payment, 100% of the Special Claims paid on HAP contract effective prior to 10/2/95, and 80% of the Administrative Fee (at SCPHA's Table B rate), prorated per HUD's proration and any other HUD-approved fees.

Claims

SCPHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring the repayment. SCPHA will notify the Receiving Housing Authority if the family is in arrears or if the family has refused to sign a Repayment Agreement, and the Receiving Housing Authority will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving Housing Authority's will be required to submit hearing determinations to SCPHA within 30 days.

INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

SCPHA will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portability" Voucher by SCPHA with the same start date. SCPHA may grant extensions in accordance with this Administrative Plan.

Incoming portable families who have not yet been absorbed will be absorbed before the HA selects new applicants from the Waiting List.

The HA will absorb all incoming portable families provided that there is funding available.

When the receiving HA does not absorb the incoming Voucher, it will administer the Initial HA's Voucher and the receiving HA's policies will prevail.

For initial lease-up, the family must be within SCPHA's Very-Low Income Limits. For participants, the HA may issue a Voucher but if the form of assistance changes, the family must be within SCPHA's Low Income limits. If the family is ineligible under the receiving HA's low income limit because the form of assistance offered causes the family to change programs, the receiving HA must absorb the family without a change in the form of assistance, or administer the family's current form of assistance.

SCPHA will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition, which would change the Voucher size, SCPHA will change to the proper size based on its own Subsidy Standards.

SCPHA will decide whether to extend the "Portability Voucher" and for what period of time. SCPHA's policy on suspensions will apply. However, if the Family decides not to lease-up in SCPHA's jurisdiction, the Family must request an extension from the Initial Housing Authority.

For Old Rule contracts, SCPHA's unpaid rent, damage and vacancy loss claim policies prevail.

Income and TTP of Incoming Portables

As Receiving Housing Authority, SCPHA will conduct a recertification interview but only verify the information provided if the documents are missing or are over 60 days old, whichever is applicable, or there has been a change in the family's circumstances.

If the family's income exceeds the income limit of the SCPHA, the family will not be denied assistance unless the family is an applicant (and over the Very-Low Income Limit).

Requests for Tenancy Approval

A briefing will be mandatory for all portability families.

When the Family submits a Request for Tenancy Approval, it will be processed using SCPHA's policies. If the Family does not submit a Request for Tenancy Approval or does not execute a lease, the Initial Housing Authority will be notified within 30 days by SCPHA.

If the Family leases up successfully, SCPHA will notify the Initial Housing Authority within 10 days, and the billing process will commence.

If SCPHA denies assistance to the family, the SCPHA will notify the Initial Housing Authority within 30 days and the family will be offered a review or hearing.

SCPHA will notify the Family of its responsibility to contact the Initial Housing Authority if the Family wishes to move outside SCPHA's jurisdiction under continued portability.

Terminations

SCPHA will notify the Initial Housing Authority in writing of any termination of assistance within 30 days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by SCPHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial Housing Authority.

The Initial Housing Authority will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial Housing Authority notifies SCPHA that the Family is in arrears or the Family has refused to sign a Repayment Agreement, SCPHA will terminate assistance to the family.

Required Documents

As Receiving Housing Authority, SCPHA will require the following documents from the Initial Housing Authority:

1. A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form and verifications.
3. Declarations and verifications of U.S. citizenship/eligible immigrant status and social security verifications.
4. HUD form 52665

Billing Procedures

As Receiving Housing Authority, SCPHA will bill the Initial Housing Authority upon lease up for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the Initial Housing Authority.

SCPHA will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial HA's rate) and any other HUD approved fees, for each "Portability" Voucher leased as of the first day of the month.

SCPHA will notify the Initial Housing Authority of changes in subsidy amounts and will expect the Initial Housing Authority to notify SCPHA of changes in the Administrative Fee amount to be billed.

CONTRACT TERMINATIONS

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and SCPHA, which defines the responsibilities of both parties. This chapter describes the circumstances under which the contract can be terminated by SCPHA and the owner, and the policies and procedures for such terminations.

CONTRACT TERMINATION

The term of the HAP Contract is the same as the term of the lease. The Contract between the owner and SCPHA may be terminated by SCPHA, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by SCPHA to the owner after the month in which the Contract is terminated. The owner must reimburse SCPHA for any subsidies paid by SCPHA for any period after the contract termination date.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from SCPHA for vacancy loss under the provisions of Certificate contracts effective on or after October 2, 1995, or when a HAP contract has been resigned on contracts after that date.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314 (c)(2)]

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The notice period to the landlord is determined by the lease, but may not exceed 60 days.

TERMINATION BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease prior to the end of its term, the owner is required to evict, using the notice procedures in the HUD regulations and State/local law. The owner must provide SCPHA with a copy of the eviction notice.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The 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 contract and lease require that the owner may only evict for the following reasons:

1. Serious or repeated violation of the terms and conditions of the lease,
2. Violation of Federal, State or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises,
3. Other good cause, including:
 - Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises.
 - Any drug-related criminal activity on or near the premises,
 - Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.
4. Other good cause, after the first year of the lease, includes:

- Business or economic reason for regaining possession of the unit;
- Owner's desire to repossess the unit for personal use;
- Tenant's refusal to accept offer of a new lease.

The eviction notice must specify the cause for the eviction.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, SCPHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant or the lease/HAP contract expires.

SCPHA will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide SCPHA with the documentation.

SCPHA must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from SCPHA, the owner certifies that the tenant is still in the unit and s/he is in compliance with the contract.

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

TERMINATION OF THE CONTRACT BY SCPHA [24 CFR 982.404 (a), 982.453, 982.454, 982.552 (a)(3)]

The term of the HAP contract terminates when the lease terminates, when SCPHA terminates program assistance for the family, and when the owner has breached the HAP contract.

Any of the following actions will be considered a breach of contract by the owner:

1. The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit to HQS standards, including any standards SCPHA has adopted in this policy.
2. The owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
3. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
4. The owner has engaged in drug trafficking.

SCPHA will also terminate the contract if:

- SCPHA terminates assistance to the family.
- The family is required to move from a unit, which is overcrowded (Voucher Programs).
- Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

SCPHA will provide the owner and family with at least thirty days written notice of termination of the contract unless the termination is due to fraud. Fraud terminations may be done by the SCPHA without a 30 day notice.

TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS [24 CFR 812.9]

For families who were participants on June 19, 1995, terminations due to the ineligible Immigration status of all members of the family, or because a "mixed" family chooses not to accept pro-ration of assistance, may be temporarily deferred for intervals not to exceed six months (up to a maximum of three years) if necessary to permit the family additional time for transition to affordable housing.

The family will be notified in writing at least 60 days in advance of the expiration of the deferral period that termination of assistance will not be deferred because:

- a) Granting another deferral will result in an aggregate deferral period of longer than three years,
- or
- b) A determination has been made that other affordable housing is available.

TERMINATION DUE TO OWNER DISAPPROVAL [24 CFR 982.453]

If SCPHA terminates the contract due to owner disapproval (See "Request for Lease Approval and Contract Execution"), SCPHA will provide the owner and family with at least thirty days written notice of termination of the contract.

DENIAL OR TERMINATION OF ASSISTANCE

INTRODUCTION

SCPHA may deny or terminate assistance for a family because of the family's action or failure to act. SCPHA will provide families with a written description of the Family Obligations under the program, the grounds under which SCPHA can deny or terminate assistance, and SCPHA's informal hearing procedures. This chapter describes when SCPHA is required to deny or terminate assistance, and SCPHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

GROUND FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial or termination is based upon behavior resulting from a disability, SCPHA will delay the denial or termination in order to determine if there is an accommodation which would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

1. Denial for placement on SCPHA Waiting List.
2. Denying or withdrawing a voucher.
3. Refusing to enter into a HAP contract or approve a lease.
4. Refusing to process or provide assistance under portability procedures.

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

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

Mandatory Denial and Termination [24 CFR 982.552 (10)(d)]

SCPHA must deny assistance to applicants, and terminate assistance for participants:

- If any member of the family fails to sign and submit HUD or SCPHA required consent forms for obtaining information.
- If no member of the family is a U.S. citizen or eligible immigrant.
- If the family is under contract on or after October 2, 1995, and 180 days have elapsed since SCPHA's last housing assistance payment was made.

Grounds for Denial or Termination of Assistance [24CFR 982.552 (b)]

SCPHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

- The family violates any family obligation under the program as listed in 24 CFR 982.551.
- Any member of the family has ever been evicted from public housing within the last three years.
- The family currently owes rent or other amounts to SCPHA or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breaches an agreement with any Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority.
- The family has engaged in or threatened abusive or violent behavior toward SCPHA personnel or neighbors, or whose guests engage in such behavior and the family takes no steps to prevent such behavior from recurring.
- "Abusive or violent behavior towards SCPHA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.
- "Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination. Instances of above behavior will be documented in participant/applicant file. Written warnings will be issued in those instances where behavior is of less serious nature and notice shall be given that a second instance of such behavior shall result in termination.

FAMILY OBLIGATIONS [24 CFR 982.551]

1. The family must supply any information that SCPHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 812). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by SCPHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers (as provided by 24 CFR part 750 and 24 CFR 5.216, 24 CFR 5.218 and 24 CFR 5.233) and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.
4. All information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 24 CFR 982.404(b).
6. The family must allow SCPHA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violation of the lease.
8. The family must notify the owner and, at the same time, notify SCPHA before the family moves out of the unit or terminates the lease on notice to the owner.
9. The family must promptly give SCPHA 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 by SCPHA. The family must promptly inform SCPHA of the birth, adoption or court-awarded custody of a child. The family must request SCPHA approval to add any other family member as an occupant of the unit.
12. The family must promptly notify SCPHA if any family member no longer resides in the unit.
13. If SCPHA has given approval, a foster child or a Live-in aide may reside in the unit. If the family does not request approval or SCPHA approval is denied, the family may not allow a foster child or Live-in aide to reside with the assisted family.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by SCPHA to verify that the family is living in the unit, or relating to family absence from the unit, including any SCPHA requested information or certification on the purposes of family absences. The

family must cooperate with SCPHA for this purpose. The family must promptly notify SCPHA of absence from the unit.

18. The family must not own or have any interest in the unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
20. The members of the family may not engage in drug-related criminal or violent criminal activity.
21. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

Housing Agency Discretion

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, SCPHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, the length of time since the violation occurred and more recent record of compliance, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

SCPHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. SCPHA may permit the other family to continue in the program.

Enforcing Family Obligations

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "Within 10 days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach: The inspector/supervisor will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Housing Director.

Lease Violations: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance:

If the owner terminates tenancy through court action for serious or repeated violation of the lease.

If the owner notifies the family of termination of assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and SCPHA determines that the cause is a serious or repeated violation of the lease based on available evidence.

Notification of Eviction: If the family requests assistance to move and they did not notify SCPHA of an eviction within 10 days of receiving the Notice of Lease Termination, the move will be denied.

Proposed additions to the family may be denied to:

- Persons who have been evicted from public housing.

- Persons who have previously (within the past 12 months) violated a family obligation listed in 24CFR 982.51 of the HUD regulations.
- Persons who have been part of a family whose assistance has been terminated under the Voucher program.
- Persons who commit drug-related criminal activity or violent criminal activity.
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- Persons who currently owe rent or other amounts to SCPHA or to another Housing Authority in connection with Section 8 or Public Housing assistance under the 1937 Act.
- Persons who have engaged in or threatened abusive or violent behavior toward SCPHA personnel.

Family Member moves out: Families are required to notify SCPHA in writing within 10 days if any family member leaves the assisted household. When the family notifies SCPHA, they must furnish the following information:

- The date the family member moved out.
- A statement as to whether the family member is temporarily or permanently absent.

They may also notify SCPHA of the new address, if known, of the family member.

Limitation on Profit-making Activity in Unit:

If the business activity area results in the inability of the family to use any of the critical Living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If SCPHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit.

Interest in Unit: The owner may not reside in the assisted unit regardless of whether (s) he is a member of the assisted family, unless the family owns the mobile home and rents the pad under the Voucher Program.

Fraud: In each case, SCPHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

In the event of false citizenship claims, SCPHA will give the family member the opportunity to elect not to contend their status in lieu of termination of the entire family.

Drug-related or Violent Criminal Activity: Drug-related criminal activity means:

- The manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in the Controlled Substance Act);
- The illegal use or possession (other than with intent to manufacture, sell, or distribute) of a controlled substance.
- Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered or is recovering from the addiction and does not currently use or possess the substance.

Violent criminal activity includes:

- Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and
- Any family member is engaging in the activity.
- Any felony.

Applicants will be denied assistance if they have been arrested due to drug-related or violent criminal activity within the last three years prior to the date of the application.

Participants may be terminated who have been arrested due to drug-related or violent criminal activity within the last three-year priors to the date of the notice to terminate assistance.

If the family violates the lease for drug-related or violent criminal activity, SCPHA must terminate assistance.

In appropriate cases, SCPHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, SCPHA may consider individual circumstances with the advice of Juvenile Court officials.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

SCPHA may pursue fact-finding efforts as needed and feasible to obtain credible evidence.

Notice of Termination of Assistance

In any case where SCPHA decides to terminate assistance to the family, SCPHA must give the family written notice, which states:

- The reason(s) for the proposed termination,
- The effective date of the proposed termination,
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
- The date by which a request for an informal hearing must be received by SCPHA.

SCPHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

PROCEDURES FOR NON-CITIZENS [24 CFR 812.3 (c)(d), 512.10 (d)]

Termination due to Ineligible Immigrant Status

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Temporary Deferral of Termination of Assistance

Ineligible families who were participants as of June 19, 1995, may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

Temporary deferral of termination of assistance is also available to mixed families who were participants on June 19, 1995, who elect not to accept prorated assistance, and are not eligible for Continued Assistance. (See Chapter 14, "Contract Terminations.") SCPHA must allow the mixed family time to find housing for ineligible members or for the entire family by deferring the termination.

Mixed families who choose temporary deferral of termination of assistance may change to prorated assistance at the end of any deferral period, if they have made a good-faith effort to locate housing.

Criteria for Approving Temporary Deferral of Termination of Assistance

SCPHA will grant temporary deferral so long as the family makes reasonable efforts to find affordable housing.

Affordable housing is defined as housing that is standard based on HQS, of appropriate size based on HQS, and for which the rent plus utilities is no more than 25% greater than SCPHA calculated Total Tenant Payment.

To determine whether a family is eligible for temporary deferral of termination of assistance, or for a renewal of temporary deferral of termination of assistance, SCPHA will automatically grant and extend temporary deferral of termination of assistance so long as the market for affordable housing is limited in the jurisdiction.

The initial deferral interval shall be granted on the family's request. Subsequent requests for deferral shall be granted on the basis of the family's statement that they are making efforts to find affordable housing, so long as the supply of affordable housing in the area remains low as determined by comparing 125% of Total Tenant Payment to the data in SCPHA's Rent Reasonableness System.

Length of Deferral

The initial temporary deferral is granted for an interval not to exceed six months. Additional deferrals can be made up to a maximum of three years. A notice is sent to the family at the beginning of each deferral period reminding them of their ineligibility for full assistance and their responsibility to seek other housing.

The family will be notified in writing sixty days before the end of the three year maximum deferral period that there cannot be another deferral, and will be offered the option of prorated assistance if they are a mixed family and have made a good faith effort to locate affordable housing.

False or Incomplete Information

When SCPHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, SCPHA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. SCPHA will then verify eligible status, deny, terminate, or prorate as applicable.

SCPHA will deny or terminate assistance based on the submission of false information or misrepresentations.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with SCPHA either after the INS appeal or in lieu of the INS appeal.

After SCPHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

\$0 ASSISTANCE TENANTS [24 CFR 982.455 (a)]

Old Contracts

For contracts, which were effective prior to 10/2/95, SCPHA is liable for unpaid rent and damages if the family vacates during the allowable 12 months after the last HAP payment if a new HAP Contract was not signed after this date. SCPHA must perform all of the functions normally required, such as reexaminations and inspections. The participant will be notified of the right to remain on the program at \$0 assistance for 12 months. If the family is still in the unit after 12 months, the assistance will be terminated.

New Contracts

For contracts effective after 10/2/95, SCPHA has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If within the 180 day time frame an owner rent increase or a decrease in the Total Tenant Payment cause the family to be eligible for a housing assistance payment, SCPHA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 952.551, 982.552 (c)]

If the family has misrepresented any facts that caused SCPHA to overpay assistance, SCPHA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses SCPHA in full. If a second incident happens, the family will be removed from assistance for a total of three years of date of termination.

MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

If the family is willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, SCPHA will deny or terminate assistance.

In making this determination, SCPHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for SCPHA to fulfill its responsibilities. SCPHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow SCPHA to inspect the unit and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying SCPHA may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow SCPHA to inspect the unit.

The family will be given information about the requirement to keep appointments.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions or Continued Assistance
- Verification Procedures
- Voucher Issuance and Briefings
- Housing Quality Standards and Inspections
- Recertifications
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are, but are not limited to:

- Medical emergency
- Incarceration
- Family emergency
- Credible evidence of Non-receipt of mailed notices.

and will be determined on a case-by-case basis by the Housing Director.

Procedure when Appointments are Missed or Information not Provided

A notice of termination or denial of assistance for breach of a family obligation will be issued with the first missed appointment. The family will be given 10 calendar days to appeal SCPHA decision. The family must request SCPHA to reschedule the appointment and provide reasons for missing the appointment in writing. If the family does not have a history of non-compliance the appointment will be rescheduled as requested. Three missed appointments will result in termination.

If the family fails to provide information or signatures as requested by SCPHA, a second request to the family will be sent by SCPHA. If the family fails to respond to the second request for information/materials by the deadline set by SCPHA, SCPHA will begin the termination process.

When a notice of termination of assistance is sent to a family as outlined above, the family will be given 10 calendar days to appeal this decision. If the family appeals SCPHA decision in a timely manner, the Section 8 staff will either approve the appeal and allow the family to reschedule a missed appointment/inspection or to submit the requested information or will deny the family's appeal. If the appeal is denied, the family will be notified in writing and will be given 10 calendar days to request an Informal Hearing to appeal the termination of assistance. If requested, the Informal Hearing will be scheduled according to policy. If the family does not request an Informal Hearing in a timely manner, the termination procedure will continue.

OWNER DISAPPROVAL AND RESTRICTION

INTRODUCTION

It is the policy of SCPHA recruit owners to participate in the program, and to provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the

jurisdiction of SCPHA. The regulations define when SCPHA must disallow an owner participation in the program, and they provide SCPHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54 (d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

SCPHA will disapprove the owner for the following reasons:

HUD has informed SCPHA that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed SCPHA that the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such action is pending.

HUD has informed SCPHA that a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal equal opportunity requirements.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has committed fraud, bribery or any other corrupt act in connection with any Federal housing program.

The owner has engaged in drug trafficking or a registered sex offender.

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.

OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.302 (a)(8), 982.453]

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, SCPHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. SCPHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner, SCPHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations. SCPHA guidelines for restrictions are contained in the table below:

DISAPPROVAL OF OWNERS/PARTICIPATION RESTRICTIONS

<u>BREACH</u>	<u>PENALTY</u>
HUD notification of owner debarment/suspension	Termination
HUD notification of violation of fair housing/Federal equal opportunity	Termination
Violation of contract obligations.....	Written warning or termination, case-by-case basis
Owner fraud, bribery or other corrupt act in Federal housing program.....	Termination
Owner engaged in drug trafficking/ Registered sex offender.....	Termination
History of noncompliance with HQS.....	Abatement or Termination

OTHER REMEDIES FOR OWNER VIOLATIONS

Overpayments

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, SCPHA may terminate the Contract and arrange for restitution to SCPHA and/or family as appropriate.

SCPHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay SCPHA or the tenant, as applicable.

CLAIMS, MOVE-OUT AND CLOSE-OUT INSPECTIONS

(For Contracts Effective Before October 12, 1995)

INTRODUCTION

This Chapter describes SCPHA's policies, procedures and standards for servicing Contracts which were effective before October 2, 1995. Voucher contracts in this category have provisions for SCPHA's Liability to owners when families move out and have a provision for damages

OWNER CLAIMS

Under HAP Contracts effective prior to October 2, 1995, owners may make "special claims" for damages or unpaid rent (vacancy loss cannot be claimed in the Voucher Program) after the tenant has vacated the unit.

Owner claims for payment for unpaid rent or damages will be reviewed for accuracy and completeness and compared with records in the file. SCPHA establishes standards by which to evaluate claims, but the burden of proof rests with the owner.

SCPHA will pay properly filed claims to the owner as a function of the contract, but the tenant is ultimately responsible to reimburse SCPHA for claims paid to the owner.

UNPAID RENT [24 CFR 887.215, 882.112 (d)]

Unpaid rent only applies to the tenant's portion of rent while the tenant is in residence under the assisted lease. It does not include the tenant's obligation for rent beyond the termination date of the HAP Contract.

Separate agreements are not considered a tenant obligation under the lease and SCPHA will not reimburse the owner for any claims under these agreements.

MOVE-OUT AND CLOSEOUT INSPECTIONS

There will be no move-out inspections of units with contracts effective on or after October 2, 1995 unless requested by the landlord or tenant.

The owner must notify SCPHA of the move-out and request an inspection within 72 hours of learning of the move-out in order to submit a claim for damages.

The date and time of the inspection will be scheduled with the owner. If the owner is not present, the move-out inspection may be rescheduled if requested. A damage claim will not be approved unless the move-out inspection is requested and completed prior to any work being done.

PROCESSING CLAIMS

Any amount owed by the tenant to the owner for unpaid rent or damages will first be deducted from the maximum-security deposit which the owner could have collected under the program rules. If the maximum allowable security deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts which the family owes under the lease, the owner may request reimbursement from SCPHA up to the limits for each program.

If the owner claims vacancy loss, the security deposit that s/he collected or could have collected will not be deducted from the vacancy loss claim.

SCPHA reviews claims for unpaid rent or damages and makes a preliminary determination of amount payable. The family is informed that a claim is pending (notice sent to last known address). The notification will state the preliminarily determined amount, the type of claim, and describe the procedure for contesting the claim.

SCPHA will offer the family 10 days to contest the claim. If the family disputes the claim, SCPHA will schedule an informal meeting with the owner and tenant in order to resolve the differences.

If the owner fails to attend the meeting, SCPHA will consider this prima facie evidence of validity of the tenant's position.

If the tenant fails to attend the meeting, SCPHA will proceed with its original determination.

Meetings will not be rescheduled if neither party attends. Meetings will not be rescheduled if either party fails to attend.

After a determination has been made, SCPHA will notify the family in writing of the decision. If it has been determined that the family owes money, SCPHA will pursue collection to repay either in a lump sum or through a payment agreement. The notice will warn the family that their assistance may be terminated and they may be denied future participation in the program if they do not reimburse SCPHA as required.

Other Requirements for Claims Processing

Costs of filing eviction to remove the tenant or any other legal fees may not be reimbursed.

All unpaid rent and damage claim forms must be fully complete when they are submitted, and they must be submitted within 45 days of the date the owner learned of the move-out.

OWNER OR FAMILY DEBTS TO SCPHA

INTRODUCTION

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

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

- Requests for lump sum payments
- Small Claims Court Repayment agreements
- Abatements
- Reductions
- Collection agencies
- Credit bureaus
- Income tax set-off programs

REPAYMENT AGREEMENT FOR FAMILIES [24 CFR 792.103, 982.552 (b)(6-8)]

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

The maximum amount for which SCPHA will enter into a repayment agreement with a family is \$2500. Exceptions to this maximum may be granted when appropriate on a case-by-case basis at the discretion of the Housing director.

Late Payments: A payment will be considered to be in arrears if:

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

If the family's repayment agreement is in arrears two months, SCPHA may institute any of the following remedies:

- Require the family to pay the balance in full
- Pursue civil collection of the balance due
- Terminate the housing assistance
- Refuse to enter into a new housing assistance payments contract on behalf of the family
- Report the debt to the Credit Bureau

If the family requests a move to another unit and has a repayment agreement in place for the payment of an owner claim, and the repayment agreement is in arrears, the family will be required to pay the balance in full prior to entering into a new housing assistance payments contract. Failure to repay second repayment agreement will constitute failure to comply and termination of rental assistance will occur.

If the family requests a move to another unit and is not in arrears on a repayment agreement for the payment of an owner claim or payments to SCPHA, they will be permitted to move only if the family repays the past due amount. No family paying on a claim to the SCPHA will be permitted to move portable until all claim payments are made to the agency and there is no longer a debt due SCPHA.

Guidelines for Repayment Agreements

Repayment Agreements will be executed between SCPHA and the head of household and spouse.

SCPHA will enter into a Repayment Agreement when monies are owed to SCPHA as a result of a special claim paid to an owner or an overpayment made by SCPHA because of family's failure to report changes in circumstances as required. If the family has violated a Family Obligation and assistance is terminated, SCPHA will offer the family the opportunity to enter into a Repayment Agreement because the money owed is considered a debt to SCPHA. If the family refuses to enter into an agreement after assistance is

terminated, or enters into the agreement and is in arrears, SCPHA will pursue other actions to collect the money owed to SCPHA.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship, and the approval of the Housing director.

Additional Monies Owed:

If the family has a Repayment Agreement in place and incurs an additional debt to SCPHA:

Additional amounts owed by the family will be added to the family's debt and the existing repayment agreement will be amended by signature. If the family is currently receiving assistance, they will be terminated from assistance for a period of three years from date of termination.

DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to SCPHA for claims paid to an owner:

SCPHA will require the family to repay the amount in full or SCPHA will enter into a Repayment Agreement.

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

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

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

Family Error/Late Reporting

Families who owe money to SCPHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Repayment Section of this Chapter.

Program Fraud

Families who owe money to SCPHA due to program fraud will be required to repay in accordance with the guidelines in the Repayment Section of this Chapter.

If a family owes an amount, which equals or exceeds \$2500 as a result of program fraud, the case will be referred to Inspector General. Where appropriate, SCPHA will refer the case for criminal prosecution.

OWNER DEBTS TO THE SCPHA

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

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, SCPHA will:

- Require the owner to pay the amount in full within 30 days.
- Enter into a repayment agreement with the owner for the amount owed.

- Pursue collections through the local court system.
- Restrict the owner from future participation.

WRITING OFF DEBTS

SCPHA considers monies owed to SCPHA legitimate debts and aggressively pursues all monies due. However, in some cases the debt must be written off. Debts *may be* written off if:

- The debtor's whereabouts are unknown and the debt is more than 12 years old.
- A determination is made that the debtor is judgment proof.
- The debtor is deceased and was the only member of the household responsible for the debt; estates will be assessed as appropriate.
- The amount is less than \$50 and the debtor cannot be located.

Exceptions to the policy may be considered on a case-by-case basis and presented to the Housing Director for approval.

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of SCPHA. This chapter describes the policies, procedures and standards to be used when families disagree with an SCPHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of SCPHA to ensure that all families have the benefit of all protections due to them under the law.

COMPLAINTS TO THE SCPHA

SCPHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. SCPHA does require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

Categories of Complaints

1. Complaints from families: If a family disagrees with an action or inaction of SCPHA or owner. Complaints from families will be referred to the appropriate staff person.
2. Complaints from Owners: If an owner disagrees with an action or inaction of SCPHA or a family. Complaints from owners will be referred to the appropriate staff person.
3. Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules.

Complaints from staff will generally be referred to the Housing Director.

4. Complaints from the general public: Complaints or referrals from persons in the community in regard to SCPHA, a family or an owner.

The Receptionist will first handle complaints from the general public and if necessary be referred to the appropriate staff person.

INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54 (d) (12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

When SCPHA determines that an applicant is ineligible for the program, the family must be notified of its ineligibility in writing. The notice must contain:

- The reason(s) the family is ineligible,
- The procedure for requesting a review if the applicant does not agree with the decision, and
- The time limit for requesting a review.

SCPHA must provide applicants with the opportunity for an Informal Review of decisions denying:

- Listing on SCPHA's waiting list.
- Issuance of a Voucher.
- Participation in the program.

Informal Reviews are not required for established policies and procedures and SCPHA determinations such as:

1. Discretionary administrative determinations by SCPHA.
2. General policy issues or class grievances.
3. A determination of the family unit size under SCPHA subsidy standards.
4. Refusal to extend or suspend a Voucher.
5. Disapproval of lease.
6. Determination that unit is not in compliance with HQS.
7. Determination that unit is not in accordance with HQS due to family size or composition.

Procedure for Review

A request for an Informal Review must be received in writing by the close of the business day, no later than 10 days from the date of SCPHA's notification of denial of assistance. The informal review will be scheduled within 30 days from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by any officer or employee of SCPHA except the person who made the decision or a subordinate of that person; or an individual from outside SCPHA.

The applicant will be given the option of presenting oral or written objections to the decision. Both SCPHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

A Notice of the Review findings will be provided in writing to the applicant within 14 days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

INFORMAL HEARING PROCEDURES [24 CFR 982.555 (a-f), 982.54(d)(13)]

SCPHA will provide a copy of the hearing procedures in the family briefing packet.

When SCPHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. SCPHA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of SCPHA;
- The date the proposed action or decision will take place;
- The family's right to an explanation of the basis for SCPHA's decision;
- The procedures for requesting a hearing if the family disputes the action decision;
- The time limit for requesting the hearing;
- A copy of SCPHA's Hearing Procedures.

SCPHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following SCPHA determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment.
- Appropriate utility allowance used from schedule who does the utility allowances schedule.
- Family unit size determination under SCPHA subsidy standards.
- Determination to terminate assistance for any reason.

SCPHA must always provide the opportunity for an informal hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and SCPHA determinations such as:

1. Discretionary administrative determinations by SCPHA.
2. General policy issues or class grievances.
3. Establishment of SCPHA schedule of utility allowances for families in the program.
4. An SCPHA determination not to approve an extension or suspension of a voucher term.
5. An SCPHA determination not to approve a unit or lease.
6. An SCPHA determination that an assisted unit is not in compliance with HQS (SCPHA must provide hearing for family breach of HQS because that is a family obligation determination).
7. An SCPHA determination that the unit is not in accordance with HQS because of the family size.
8. An SCPHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract.

Notification of Hearing

It is SCPHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, SCPHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When SCPHA receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

- The date and time of the hearing.
- The location where the hearing will be held.
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense.
- The right to view any documents or evidence in the possession of SCPHA upon which SCPHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing.

SCPHA's Hearing Procedures

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact SCPHA within 48 hours, excluding weekends and holidays. SCPHA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to SCPHA's determination.
- Examine the documents in the file which are the basis for SCPHA's action, and all documents submitted to the Hearing Officer; Copy any relevant documents at their expense; Present any information or witnesses pertinent to the issue of the hearing;
- Request that SCPHA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at his or her own expense.

If the family requests copies of documents relevant to the hearing, SCPHA will make the copies for the family and assess a charge of \$.13 per copy. In no case will the family be allowed to remove the file from SCPHA's office.

In addition to other rights contained in this Chapter, SCPHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by SCPHA who is neither the person who made or approved the decision, nor a subordinate of that person. SCPHA appoints hearing officers who:

- Are appropriate SCPHA staff or commissioners
- Are managers from other Housing Authority
- Area landlords or businesspersons

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

Either party may arrange, prior to the hearing and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of the transcript.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information 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 SCPHA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of SCPHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to SCPHA and the family within 14 days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed; and
- The date the decision goes into effect.

SCPHA is not bound by hearing decisions:

- Which concern matters in which SCPHA is not required to provide an opportunity for a hearing.
- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

SCPHA shall send a letter to the participant if it determines SCPHA is not bound by the Hearing Officer's determination within 14 days. The letter shall include SCPHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR 812.9]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while SCPHA hearing is pending but assistance to an applicant may be delayed pending SCPHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, SCPHA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with SCPHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give SCPHA a copy of the appeal and proof of mailing or SCPHA may proceed to deny or terminate. The time period to request an appeal may be extended by SCPHA for good cause.

The request for an SCPHA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described above for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members SCPHA will:

- Deny the applicant family.
- Defer termination if the family is a participant and qualifies for deferral.
- Terminate the participant if the family does not qualify for deferral.

If there are eligible members in the family, SCPHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES

When applicants are denied placement on the waiting List, or SCPHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Examples of mitigating circumstances are: a) a person with a cognitive disorder may not have understood the requirement to report increases in income; b) a person may not understand the need to make regular repayments on a promissory note; c) a person may not have understood or been physically able to fulfill the requirement to report all changes in writing. The preceding are examples only and are not the exclusive list of mitigating circumstances. Such determinations should be brought to the attention of the Assistant Housing Director and determinations made in consultation with the Housing director.

HOMEOWNERSHIP

INTRODUCTION

HUD published its final rule on Section 8 Homeownership that took effect on October 12, 2000. It follows the proposed Section 8 Homeownership rule, published in April 1999 that implemented the “homeownership option” under Section 8(y) of the United States Housing Act of 1937. Section 8(y) authorizes a local housing authority to provide tenant-based assistance for an eligible family that purchases a dwelling unit that it will occupy.

At this time the SCPHA elects not to pursue this program.

GLOSSARY

ACRONYMO USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustments.
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFP	Certificate of Family Participation
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
CR	Contract Rent
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FSCPHA	Farmers Home Administration
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GFC	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
GR	Gross Rent
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee.

HURRA	Housing and Urban/Rural Recovery Act of 1983
HV	Housing Voucher
IG	Inspector General
IGR	Independent Group Residence
IPA	Independent Public Accountant
IRA	Individual Retirement Account
SCPHA	Scotland County Public Housing Agency
MOA	Metropolitan Statistical Area established by the U.S. Census Bureau
PHA	Public Housing Agency
PMOA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RLA	Request for Lease Approval (see also RFLA)
RFLA	Request for Lease Approval
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SRO	Single Room Occupancy
SMOA.	Standard Metropolitan Statistical Area. Has been replaced by MOA, Metropolitan Statistical Area.
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment

GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

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 consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to SCPHA under the consolidated ACC (during an SCPHA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADJUSTED INCOME. Annual income, less allowable HUD deductions.

ADMINISTRATIVE FEE. Fee paid by HUD to SCPHA for administration of the program.

ADMINISTRATIVE FEE RESERVE (also "Operating reserve"). Account established by SCPHA 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.

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and an SCPHA. Under the contract HUD agrees to provide funding for operation of the program, and SCPHA agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

APPLICANT (or applicant family). A family that has applied for admission to a 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. (This **does not** include Missouri)

ASSETS. (See Net Family Assets.)

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.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to Housing Authority's under the program. For each funding increment in a Housing Authority program, budget authority is the maximum amount that may be paid by HUD to a Housing Authority over the ACC term of the funding increment.

CERTIFICATE OF FAMILY PARTICIPATION. A Certificate issued by the PHA under the Section 8 Rental Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation.

CERTIFICATE OR VOUCHER HOLDER. A family holding a voucher or certificate with un-expired searches time.

CERTIFICATE PROGRAM. Rental certificate program.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151.

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 certificate or voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

CONTRACT AUTHORITY. The maximum annual payment by HUD to a Housing Authority for a funding increment.

CONTRACT RENT. In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

DISABLED PERSON. A person who is any of the following:

(1) A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).

(2) A person who has a physical, mental, or emotional impairment that:

- (i) Is expected to be of long-continued and indefinite duration;
- (ii) Substantially impedes his or her ability to live independently; and
- (iii) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.

(3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISPLACED PERSON. A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under Federal disaster relief laws.

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

DRUG-RELATED CRIMINAL ACTIVITY. Term means:

- (1) Drug-trafficking; or
- (2) Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

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)).

ELDERLY HOUSEHOLD. A family whose head or spouse or whose sole member is at least 62 years of age or a Disabled Person as defined in this section or a Handicapped Person as defined in this section or may include two or more elderly, disabled or handicapped persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBLE FAMILY (Family). A family is defined by SCPHA in the Administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCEPTION RENT. In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or SCPHA under prescribed conditions, and is used in determining the initial contract rent. In the voucher program SCPHA may adopt a payment standard up to the exception rent limit approved by HUD for SCPHA certificate program.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone, cable, etc.) 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 in accordance with 24 CFR part 882. The Scotland County PHA will use FMR minus 10% to determine their payment standards.

FAMILY. The applicant must qualify as a family as defined by SCPHA.

FAMILY OF VETERAN OR SERVICEPERSON. A family is a "family of veteran or service person" when:

1. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related the head of the household, and was a family member at the time of death.
2. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an SCPHA to promote self-sufficiency of assisted families, including the provision of supportive services.

FEDERAL PREFERENCE. A preference under Federal law for admission of applicant families that are any of the following:

- (1) Involuntarily displaced.
- (2) Living in substandard housing (including families that are homeless or living in a shelter for the homeless).
- (3) Paying more than 50 percent of family income for rent.

These have been suspended for the SCPHA.

FEDERAL PREFERENCE HOLDER. An applicant that qualifies for a Federal preference.

FMR/EXCEPTION RENT LIMIT. The section 8 housing fair market rent published by HUD headquarters or any exception rent. In the voucher program the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program SCPHA may adopt a payment standard up to the FMR/exception rent limit. The Scotland County PHA will use FMR minus 10% to determine rent amount of tenant.

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 carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or voucher program, as well as an institution offering a college degree.

FUNDING INCREMENT. Each commitment of budget authority by HUD to an SCPHA under the consolidated annual contributions contract for SCPHA program.

GROSS FAMILY CONTRIBUTION. Changed to Total Tenant Payment.

GROSS RENT. The sum of the Contract Rent and the utility allowance. If there is no utility allowance, Contract Rent equals Gross Rent.

HANDICAP ASSISTANCE. Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members which enable a family member (including the handicapped family member) to work.

HANDICAPPED PERSON. [Referred to as a Person with a Disability]. A person having a physical, mental, or emotional impairment which:

- (1) Is expected to be of long-continued and indefinite duration;
- (2) Substantially impedes his or her ability to live independently; and
- (3) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" excludes an Indian housing authority (IHA).

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was re-codified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by an SCPHA. The total assistance payment consists of:

- (1) A payment to the owner for rent to owner under the family's lease.
- (2) 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 an SCPHA and an owner in the form prescribed by HUD headquarters, in which SCPHA 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). (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 requires that the SCPHA uses either HQS or local housing maintenance codes, whichever is stricter.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD headquarters as regulations issues HUD requirements. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

IMPUTED ASSET. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate multiplied by the total cash value of assets. Calculation used when assets exceed \$5,000.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as a Native American or Alaska Native by an Indian Tribe, the Federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

- (1) By exercise of the power of self-government of an Indian Tribe, independent of State law, or
- (2) By operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily Displaced Applicants are applicants who meet the HUD definition for the Federal preference. This is no longer used by the SCPHA.

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 an eligible family for the leasing of a housing unit.

The Section 8 Certificate and Voucher program have an Addendum to Lease that has mandatory language which must be incorporated into any lease SCPHA uses. The Addenda are different for the Certificate and Voucher Programs.

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

- (1) Is determined to be essential to the care and well being of the person.
- (2) Is not obligated for the support of the person.
- (3) Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE. A preference no longer used by SCPHA to select among applicant families without regard to their Federal preference status.

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

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 Below Market Interest Rate units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses, including medical insurance premiums, which are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR. Member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MONTHLY-ADJUSTED INCOME. 1/12 of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income.

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

NET FAMILY ASSETS. Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OWNER. Any persons or entity having the legal right to lease or sublease housing.

PARTICIPANT. A family that has been admitted to SCPHA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the Housing Authority, for the family (First day of initial lease term).

PAYMENT STANDARD. The amount used to calculate the housing assistance a family will receive in SCPHA's Housing Voucher 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). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "public housing authority" or "housing authority".

RANKING PREFERENCE. A preference used by a Housing Authority to select among applicant families that qualify for Federal preference.

RE-CERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. This is called Rent to Owner in the Voucher Program. It is the total amount of rent payable to the owner by the family and SCPHA per month for an assisted unit.

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or well being. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals. (See Sections 882.109(n), 882.106(c) and 882.102 definitions in Appendix 1 of 7420.7.)

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. 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.

SPOUSE. The husband or wife of the head of the household.

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 (4) 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 Leased 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; or

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; or

A Public Housing Project.

SUBSIDY STANDARDS. See OCCUPANCY STANDARDS.

SUBSTANDARD UNIT. HUD defines substandard housing for use as a Federal preference.

TENANT RENT. (Formerly called Net Family contribution.) The amount payable monthly by the family as rent to the owner (including a PHA in other programs). Where all utilities (except telephone) and other essential housing services are supplied by the owner, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent to the owner, Tenant Rent equals Total Tenant Payment less the Utility Allowance in the Certificate Program. In the Voucher Program, Tenant Rent is rent to Owner less the HAP.

TOTAL TENANT PAYMENT (TTP) The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UTILITIES. Utilities means water, electricity, gas, other heating, and refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (see above) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a Housing Authority or HUD of 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 healthy living environment.

UTILITY REIMBURSEMENT PAYMENT. The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VACANCY LOSS PAYMENTS. (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the Housing Authority as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LOW INCOME FAMILY. A Lower-Income Family who's Annual Income does exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher Programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

WAITING LIST. A list of families organized according to HUD regulations and SCPHA policy that are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state, or local governments.

WELFARE RENT. This concept is used ONLY for Section 8 Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

- (1) If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or recertification is being processed.
- (2) If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

GLOSSARY OF TERMS USED IN THE NON-CITIZENS RULE

CHILD. A member of the family other than the family head or spouse who is under 18 years of age.

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents, which must be submitted to evidence citizenship or eligible immigration status.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

INS. The U.S. Immigration and Naturalization Service.

HA. A housing authority that operates Public Housing.

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

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

NON-CITIZEN. A person who is neither a citizen nor national of the United States.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (SCPHA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by Public and Indian Housing programs.

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