

## HOUSING AUTHORITY OF THE CITY OF FREDERICK

### HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN

The following plan sets forth the policies of the Housing Authority of the City of Frederick (HACF) with regard to administration of the Housing Choice Voucher Program in the discretionary areas as defined by federal regulations at 24 CFR 982. The administration of these programs shall at all times be in accordance with all applicable federal regulations and state and local laws currently in effect or as amended, as well as these policies. The federal regulations and HACF policies shall be supplemented by the HACF Program Procedures Manual. Throughout the text of this Plan, the word “voucher” shall refer to the Housing Choice Vouchers.

#### I. Selection of Applicants from the Waiting List

The waiting list for the Housing Choice Voucher Program shall be prioritized using scored preferences. Preferences and their scores are defined as follows:

- Head or Co-Head is elderly, handicapped or a disabled individual.
- Head or Co-Head is actively participating in programs such as attending Community College full-time, or similar instruction program of professional or career development and working an average of 20 hours per week for six (6) months; or
- Head or Co-Head is employed at least 30 hours per week for 6 months prior to being housed. (200 points – only one of the above preferences will apply)
- Head or Co-Head is a resident of or employed in Frederick city or county. (100 points)
- Family meets HUD’s definition of chronically homeless and has agreed to receive ongoing supportive services through the Housing First program. The number of applicants who may qualify for this preference shall not exceed ten (10). (50 points)
- Head or Co-Head is a veteran or the spouse of a veteran. (40 points)

The waiting list for the Project Based Vouchers at Catoctin View Homes shall be prioritized using scored preferences. Preferences and their scores are defined as follows:

- Former residents of Catoctin View Apartments who are currently in good standing in their relocation status (either in possession of a relocation voucher or leased up at Catoctin Manor). (10)
- Applicants who were active on the Catoctin View Public Housing Waiting List as of June 30, 2021 OR Applicants who are active on the Catoctin Manor Public Housing Waiting List with an application as of June 30, 2021 OR Current residents of Lincoln Apartments, Carver Apartments and Lucas Village. (3)
- Head of Household or Co-Head is a resident of or employed in Frederick city or county. (100)

Catoctin View Homes occupancy is restricted to elderly households (at least one household member is age sixty-two (62) or over).<sup>1</sup>

Preference points for each ranking category will be aggregated to determine the applicant’s place on the waiting list. Notwithstanding the above, persons who are elderly or disabled will be issued vouchers before other single persons.

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<sup>1</sup> Board approval June 1, 2021 - PBV preferences and admissions requirements for Catoctin View Homes.

In the case of Foster Youth to Independence (FYI) vouchers, applicants will receive a designation of FYI eligibility from the referring public child welfare agency (PCWA). Only FYI eligible applicants can be selected for FYI vouchers per HUD Notice PIH 2020-28.<sup>2</sup>

For applications received prior to 2016, applications having the same score total are then arranged by date and time of application. For a one (1) month period in 2016, applications will be received both on-line and in person for that entire month. Those applications WILL NOT be ordered by date and time of application. Instead, at the end of that one-month period, all applications received during the month will be randomly sorted using the Waiting List Lottery process. Once all applications have been randomly sorted, preferences will be assigned to determine the application's place on the waiting list.

## **II. Applying for the Housing Choice Voucher Waiting List**

When the HACF is opening the waiting list for new applications, an announcement will be made in the Public Notices section of the Frederick News-Post, and local agencies, i.e. Department of Social Services, Frederick Community Action Agency, etc., will also be made aware of the waiting list opening.

Applications will be accepted both on-line and in person at the HACF office. In person applications will be taken on Tuesdays from 9:00 a.m. until 2:45 p.m.

Applicants will be given written information regarding the application process. That information will include the applicant's responsibilities regarding the information contained on the application. Information regarding the application process will be available on the Housing Authority's website. The applicant is always responsible for updating information on the application especially that pertaining to current address and any information that would change their placement on the waiting list.

All interaction by the HACF to the applicant is by first-class mail. If the applicant has not updated information on the application, and the mail is returned to the HACF, the application is deleted from the waiting list.

## **III. Issuance of a Housing Choice Voucher**

When funding becomes available for issuance of vouchers, the HACF determines the number to be issued and sends out the appropriate number of inquiries to the applicants on the top of the list.

When the applicant returns the documents and requested verifications, the information is reviewed for accuracy and applicant eligibility. Forms are mailed to employers, social service agencies, etc., to verify the information contained in the applicant's documents. Criminal background checks are performed for all adults on the application. Information is reviewed to verify that the applicant is eligible for all the preferences for which that individual applied.

All applicants that are eligible for a voucher are required to attend a briefing on the program requirements and obligations. All vouchers will be issued initially for 60 days.

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### **A. Voucher Extensions**

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<sup>2</sup> Board approval June 1, 2021 - Preference and admissions requirements for FYI vouchers.

All requests must be in writing. One extension of up to 60 days is permissible, at the discretion of the HACF for the following reasons:

- Extenuating circumstances such as hospitalization or a family emergency for more than seven (7) days, which has affected the family's ability to find a unit within the initial 60 day period. Verification is required.
- The family has submitted evidence that they have made a consistent effort to locate a unit and has requested support services from the HACF with regard to their difficulty locating a unit throughout the initial 60 day period.
- If the voucher holder is a disabled person, and an extension is needed because of the disability, a request for an extension of an additional 60-day period (after the 120 day period has been exhausted) can be made.
- The HACF will determine the approval or disapproval of the extension. The family seeking an extension will be notified in writing of an approval of extension or notice of expiration of the voucher.

**B. Denial of a Housing Choice Voucher**

1. The HACF will deny issuance of a voucher for the following reasons:
  - a. The applicant or any family member currently owes rent or other debts to the HACF or any other housing agency or assisted housing program.
  - b. The applicant or any family member breached an agreement to repay monies owed to the HACF for which assistance was previously terminated. The applicant will be denied assistance for five (5) years from the date the assistance was terminated. The debt must be paid in full before status is changed back to eligible.
  - c. The applicant or any family member previously violated any of the family obligations which are noted throughout 24 CFR 982. The HACF shall deny assistance for three (3) years from the date of occurrence if the family violated the family obligations one time. If the violation of family obligations occurred more than once, the HACF will deny issuance for five (5) years.
  - d. The applicant or any family member committed fraud in connection with any federal program. The HACF will deny assistance for five (5) years from the date of the occurrence or conviction, whichever is most recent.
  - e. The applicant or any family member engaged in drug related criminal or violent criminal activity. The HACF may deny assistance if the preponderance of evidence indicates that an applicant and/or a family member has engaged in such activity regardless of whether the applicant or family member has been arrested or convicted.—The HACF shall deny assistance for five (5) years from the date of the last arrest/conviction or other evidence of involvement for such activity.

- f. The applicant or any family member fail to supply the required information and/or documentation on the waiting list application that is “true and complete.” The HACF will deny assistance for three (3) years from the date the violation occurred.
- g. The applicant or any family member abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of others. HACF will consider three separate alcohol-related arrests within a one year period as sufficient preponderance of evidence to deny assistance. The HACF shall deny assistance unless the applicant can prove successful completion of an alcohol rehabilitation program.
- h. The applicant, or any family member, has been terminated and/or evicted from federally assisted housing. The HACF will deny assistance for three (3) years from the date of the eviction or termination.
- i. All persons convicted of manufacturing or producing methamphetamines on the premises of assisted housing will be permanently denied assisted housing. Premises is the building or complex in which dwelling unit is located, including common areas and grounds.
- j. Any applicant who is subject to a lifetime sex offender registration requirement will be permanently denied assisted housing. Any other person who is on the sex offender registry will be denied as long as they are a registered sex offender.

In any case when an applicant is denied a voucher, a letter is sent to the applicant with an explanation for the action taken.

For items “a” through “j” above, the Housing Authority will delete the voucher application from the waiting list for those individuals who are denied assistance.

#### IV. **Occupancy Policies**

- A. Family is defined as a person or group of persons, as determined by the PHA consistent with 24 CFR 5.403, approved to reside in a unit with assistance under the program. The term “family” includes, but it not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
  - (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
  - (2) A group of persons residing together and such group includes, but is not limited to:
    - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
    - (ii) An elderly family;
    - (iii) A near-elderly family;
    - (iv) A disabled family;

- (v) A displaced family; and
- (vi) The remaining member of a tenant family.

**B. Definition of Continuously Assisted**

A voucher holder will be defined as continuously assisted from the date of their move into a Section 8 assisted unit as a head or co-head of household until one of the following circumstances occurs; either:

- The voucher is terminated by the HACF;
- The voucher is voluntarily forfeited by the voucher holder;
- The household's total tenant payment is sufficient to pay the full gross rent and six months has elapsed since the HACF's last payment.

**V. Owner Outreach**

Public invitations to owners will be issued as needed to make dwelling units available for leasing by eligible families. On a continuing basis the HACF will welcome the participation of owners of decent, safe and sanitary housing units by means of the following:

- A. The HACF will make personal contact in the form of formal or informal discussion or meetings with private property owners, property managers and real estate agencies where rents are possibly affordable for the program participants.
- B. A list of interested landlords and their available properties is maintained by the HACF and this list is updated as needed. This information is made available to program participants during the initial briefing session and upon request.

**VI. Illegal Discrimination**

If a program participant believes he or she has been discriminated against when seeking housing, that person is encouraged to notify the HACF and to complete HUD Form 903, Housing Discrimination Complaint. The HACF will offer the participant assistance in completing the form. The HACF will also refer the participant to appropriate agencies or bureaus that can assist in this type of complaint.

**VII. Providing Information to Owners**

The HACF will provide the name, address and phone number of the last two landlords if that information is available.

The HACF will not screen participants for suitability as tenants. The owner will be encouraged to screen families on the basis of their tenancy history.

**VIII. Disapproval of Owners**

- A. —The HACF will deny approval to lease a unit from an owner for any of the following reasons:
  - 1. If the owner has committed fraud, bribery, or any other corrupt or criminal act in

- connection with the Section 8 program.
2. If the owner has previously violated federal or state regulations or obligations in connection with the Section 8 program.
  3. If the owner has a history of violating Section 8 Housing Quality Standards or applicable housing standards under any other housing program.
  4. If the owner has previously violated HACF policies and procedures as defined in the respective administrative plans and procedures manuals.
  5. If the owner has engaged in any drug-related or violent criminal activity.
  6. If the owner has a history or practice of failing to terminate the tenancy of renters of units under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that either threatens the right to peaceful enjoyment by other residents; threatens the health or safety of other residents, employees of the HA; or of owner employees or other persons engaged in management of the housing; or is involved in any drug related or criminal activity, or violent criminal activity.
  7. If the HACF has knowledge that the owner has not paid local or state real estate taxes, fines or assessments.
  8. If the landlord accepts "side" payments from the Section 8 participants for rent. "Side" payments are for additional charges that the HACF has not approved the tenant to pay.
  9. If the landlord is abusive in any manner, or has repeatedly been offensive, used profanity, or become quarrelsome or combative to any staff member of the HACF.
  10. For any other reasons as set forth in 24 CFR 982.306.

## IX. Subsidy Standards

### A. Basic Subsidy Standards

The basic standards for determining the appropriate voucher size for an eligible family are as follows:

1. A minimum of one bedroom or living/sleeping room of appropriate size for each two persons in the household. A separate bedroom will be assigned to the head of household if there is no cohabitant.
2. Children whose parents share custody will be counted as a household member if they reside with the applicant/ voucher holder at least 51% of the time. If both parents live in federally funded assisted housing, only one parent may claim the child as a household member.
3. Children who reside with a person other than the parent will be counted as a household member of the parent only if the child resides with the parent at least 51% of the time. If both the other person and the parent live in federally funded assisted housing, only one may claim the child as a household member.
4. Children whose custody is shared by parents or by other persons where one party lives outside a 75-mile radius of the city of Frederick and the child attends school in that other jurisdiction; it will be determined the child resides a majority of the time in the other jurisdiction.

*These standards result in the following minimum and maximum persons for assigning voucher sizes:*

Voucher Size	Minimum # Persons in Household	Maximum # of Persons in Household
1BR	1	2
2BR	2	4
3BR	4	6
4BR	6	8

**X. Family Absences**

- A. The family may be absent from the unit for brief periods. Family absence is defined as having no member of the family residing in the unit. For longer absences the following policy applies:
  - 1. The family must notify the HACF, in writing, of any absence from the unit of 30 or more days. Failure to do so will result in a termination of assistance.
  - 2. Any absence longer than 30 days, except for the reason of hospitalization, will result in a termination of assistance.
  - 3. Any absence of 30 days or more due to illness or hospitalization must be verified through appropriate documentation, such as a doctor's verification or hospital records.
  - 4. For an absence of 180 days or more for illness or hospitalization, the HACF will terminate assistance in accordance with 24 CFR 982.312(a).

**XI. Family Break Up**

- A. When a family consists of minor children, ill, elderly, or disabled family members, the assistance will remain with the portion of the family containing these members, regardless of whether they remain in the original assisted unit, if all such members remain with one head of household. If such family members are divided as a result of the family break-up, the assistance will remain with the original assisted unit absent an agreement to the contrary between the heads of household.
- B. Provided the policy in A. above is followed, where the family break-up is caused by actual or threatened physical violence against family members by a spouse or other member of the household, the Housing Authority will, upon receiving documented evidence of the violence, remove the offending family member or spouse from the

voucher.

- C. If the abusive family member is a minor child, ill, elderly, or disabled, and that person is barred from the family home by a documented court order, the assistance will remain with the remaining members of the family.
- D. Regardless of the HACF policy, if a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the Housing Authority is bound by the court's determination of which family members continue to receive assistance in the program.
- E. In the event of the death of the voucher holder, the HACF will make a determination of the disposition of the voucher based on the following factors:
  - 1. Composition of the remaining household members, if any. Special consideration will be granted for children, elderly, ill or disabled household members.
  - 2. Remaining family income must be below qualifying limits.

Each case will be reviewed separately by the HACF staff.

## **XII. Termination of Housing Choice Vouchers**

The HACF will terminate voucher assistance for violation of the family obligations at 24 CFR 982.551 or any of the regulations that describe the family's responsibilities while assisted in the Housing Choice Voucher program.

- A. Terminating assistance for drug criminals
  - 1. Any household member found to be currently engaged in any illegal use of a drug will cause the voucher to be terminated. This includes all household members; parent, child and anyone who resides in the assisted unit. "Engaged in illegal use of a drug" means the use, possession, sale, distribution, manufacture, etc., whether or not the household member has been arrested .
  - 2. A pattern of illegal use of a drug by any household member that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents will cause the voucher to be terminated.
  - 3. The HACF will immediately terminate assistance for a family under the program if it is determined that any member of the household has ever been convicted of drug-related criminal activity or manufacture or production of methamphetamine on the premises of federally assisted housing.
  - 4. The HACF will terminate assistance if any member of the household engages in drug-related criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.



B. Terminating Assistance for Violent Criminal Activity

1. The HACF will terminate assistance if any member of the household engages in violent criminal activity. This includes assault charges up to and including murder charges. This also includes any crime committed with a weapon.

C. Terminating Assistance for Alcohol Abusers

1. The HACF will terminate assistance if any member of the household engages in the abuse of alcohol. If any household member has three alcohol-related arrests or other documented incidents which disrupted the quiet and peaceful enjoyment of other residents in the vicinity of his/her unit.

**XIII. Informal Review Procedures for Applicants**

When the HACF has denied a family voucher assistance, the family may request an informal review. The family's request for the informal review must be in writing and received by the HACF within ten (10) days of the date of the written notification of denial of assistance.

The informal review shall be conducted by a member of the HACF staff who is neither the person who made or approved the decision under review or a subordinate of that person.

The applicant may examine any documents that are directly relevant to the decision. They may copy any document at their expense. The HA must be given the opportunity to review the applicant's documents that are relevant to the review and must be given the opportunity to copy such documents at the HACF's expense.

The applicant may give oral or written objections to the decision to deny. A notice of the review findings shall be provided in writing to the applicant and shall include a brief explanation of the reasons for the final decision. All requests for the informal review, supporting documentation and a copy of the final decision will be maintained in the applicant's file.

Failure of the applicant to appear for the informal review on the date and time scheduled, without having given 24 hour notification prior to the scheduled time that he/she is unable to appear, will result in a determination that the applicant has waived their right to the informal review. In case of a legitimate emergency situation, notice of inability to appear must be given at least 1 hour prior to the scheduled time and the applicant must provide proof of the emergency situation that made attendance to the meeting impossible.

**XIV. Informal Hearing Procedures for Participants**

Participants who wish to dispute the termination of their voucher assistance may request an informal hearing in accordance with 24 CFR 982.555.

Participants must submit their request for an informal hearing, in writing, to the HACF within ten (10) days from the date of the written notification of action.

When the informal hearing has been scheduled, a letter will be sent to the participant stating the date

and time for the hearing. Twenty-four (24) hours' notice prior to the scheduled hearing must be given to the HACF in order to reschedule at a later date and time.

The informal hearing shall be conducted by an official determined by the HACF to be able to interpret HUD regulations and the HACF Administrative Plan for Housing Choice Vouchers. However, the HACF reserves the right to designate a member of the agency's staff who is neither the person who made or approved the decision under review or a subordinate of that person to conduct the hearing under appropriate circumstances.

The participant will be given the opportunity to examine before the hearing any documents that are directly relevant to the hearing. The participant may copy any such document at his or her expense. If the HACF does not make the document available for examination on request by the participant, the HA may not rely on the document at the hearing. The HACF must be given the opportunity to examine before the review any participant documents that are directly relevant to the hearing, and must be given the opportunity to copy any such document at their expense. If the participant does not make the document available for examination on the request of the HA, the participant may not rely on the document at the hearing.

Recordation of the informal hearing by personal cell phones and the like is not allowed. Only recordings conducted and prepared by a neutral party, such as a sworn court reporter, will be allowed. The party requesting a permanent record of the informal hearing will bear the cost of such recording and will provide the other party a copy of the transcription.

The hearing officer will make a determination as to whether the decision to terminate the assistance was proper, i.e., in accordance with applicable rules and regulations of the voucher assistance program.

The procedure for conducting the hearing is as follows:

Any participant may be represented by an attorney or by any other person, but at no expense to either the agency terminating assistance or the agency holding the hearing.

The hearing officer shall conduct the hearing in a manner as to assure that proper decorum is maintained at all times. Participants who do not conduct themselves in an appropriate manner shall be ordered to leave the hearing.

The hearing shall not be governed by the usual rules of evidence that would pertain in a judicial hearing. Therefore, any evidence may be considered and any witness with relevant information may be heard.

The first evidence to be presented will be that of the Voucher Assistance Program which has terminated the family's voucher assistance. All evidence pertaining to the reasons for the termination should be presented.

Following the agency's presentation of the evidence, the affected client shall present a rebuttal and may produce any evidence in support of his/her claim that the termination should not be carried out.

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Witnesses for both sides may be questioned by the hearing officer at any time during their presentations. The opposing parties may ask questions of each other at the conclusion of their presentations.

Arguments during the presentation shall not be permitted.

The hearing officer shall issue a written decision stating the reasons for the decision. Only factual information presented at the hearing shall be considered in the rendering of the decision. A copy will be sent promptly to both parties.

The HACF will maintain all requests for an informal hearing, supporting documentation and a copy of the hearing officer's final decision in the participant's file.

Failure of the participant to appear for the informal hearing on the date and time scheduled, without 24 hour prior notice to the HACF will result in a determination that the participant has waived their right to the informal hearing. In case of a legitimate emergency situation, notice of inability to appear must be given at least 1 hour prior to the scheduled time and the applicant must provide proof of the emergency situation that made attendance to the meeting impossible.

**XV. Establishment/Revision of Payment Standards**

The HACF adopts the Fair Market Rent (FMR) as set by HUD. The Voucher Payment Standard (PS) will be reviewed annually or upon determination of extenuating circumstances necessitating adjustment and will redetermine it within 90-110% of the current FMR.

**XVI. Rent Reasonableness**

The HACF will determine Rent Reasonableness before approval of the initial rent to owner or any increase in contract rent to owner.

In addition to comparing the rent to other units of similar size and location, the following will be considered when determining Rent Reasonableness: quality of the unit, age of unit, the type of unit, amenities, housing services provided, maintenance provided and the utilities included in the rent.

**XVII. Payment by Families of Amounts Due to the HACF**

- A. Participants owing money to the HACF due to unpaid rent and/or damages will be notified of their liability and informed that they are required to pay the amount in full. The participant may ask for a repayment agreement. It is at the discretion of the HACF to approve a repayment agreement, approval which would constitute a condition of continued assistance. In the absence of a repayment agreement or default of a repayment agreement, the HACF will terminate the voucher assistance.
- B. In cases where the debt is the result of the participant's failure to report changes to the household as required and the participant refuses to pay in full or to sign a repayment agreement, the HACF will terminate the assistance for violation of family obligations, fraud or misrepresentation. The participant will be given the opportunity of an informal hearing prior to the termination of assistance. The HACF may forward such cases to the Office of the Inspector General, HUD, for possible prosecution.
- C. The HACF is not required to offer a repayment agreement or to approve the participant's request for a repayment agreement.

- D. Applicants will be notified in writing at the time of their Pre-application or upon verification that a previous debt exists. They will be given an opportunity to repay the debt.
- E. Repayment agreements may be executed for, but are not limited to, the following circumstances.
1. Failure to report changes in household income or family size that result in overpayment of assistance.
  2. Failure to report changes in household deductions, i.e., childcare expenses, number of dependents in the home, medical expenses, etc..
  3. Repayment to the HACF for claims on the participant's behalf due to unpaid rent, damages or vacancy loss.
- F. There is no dollar limit on the amount of the repayment agreement. The HACF will require an initial payment of ten (10) percent of the debt. Payment amounts should be affordable to the participant or applicant. The chart below outlines the amount of the debt and the number of months allowed for repayment.

Amount owed to HACF	Number of months allowed for repayment
< \$999	up to one year
\$1000 to \$1999	18 months
\$2000 to \$4999	36 months
\$5000 to \$10000	60 months
Over \$10000	Refer to Voucher Assistance Program Supervisor for action

- G. While a participant has a repayment agreement, each payment must be made by the 5<sup>th</sup> of each month, otherwise, it will be considered delinquent, and the remaining balance will be due. Participants who make late payments will not be approved to move with voucher assistance to any other unit while there is a remaining balance on the account.
- H. Any participant family who requests using the portability option of the voucher must have a zero balance on any repayment agreement with the HACF.

**XVIII. Special Housing Types**

The HACF offers the Housing Choice Voucher Program Homeownership Program.

**XIX. Interim Redeterminations**

- A. Required Changes to Report

In the voucher programs, the Tenant Rent will remain in effect for the period between regularly scheduled reexaminations except:

1. The program participant **may** report the following changes which would result in a decrease in tenant rent:
  - decrease in income
  - increase in allowances or deductions

The program participant **must** report, in writing, any of the following which could result in an increase in tenant rent:

- An increase in gross household income if at new admission or annual recertification:
  - the gross household income was \$0
  - the gross household income was from a source other than employment
  - the gross household income source has changed i.e., TCA to SSI, different employer, child support etc.
  - the gross household income source has increased due to a pay increase at same employer, increase in child support payments, increase in Social Security or social service benefits, etc.
- Change in family composition (which could provide or reduce income to the household, and deductions and/or allowances for which the family qualified);
- Any house guest that will stay in the assisted unit more than 14 cumulative days per year;
- Receipt of a deferred payment in a lump sum which represents the delayed start of a periodic payment such as unemployment or social security benefits or a deferral due to a dispute (such as back child support).
- the tenant rent may be changed, in addition to the reasons listed above, if there is a change in the rent to owner which causes a change in Tenant Rent.

B. Other Interim Reporting Requirements

- For families with zero income, reexamination will be scheduled every 90 days unless the zero income is the result of exclusions under federal statute.
- For families whose annual income cannot be projected with any reasonable degree of accuracy, reexamination shall not be less than every 30 days nor more than every 90 days.
- Upon discovery, for families where an error was made at admission or reexamination. The family will not be charged retroactively for an error made by HACF personnel.
- For families whose rent has been based on false or incomplete information supplied by the applicant or participant, families may be charged retroactively or assistance may be

terminated.

C. Timely Reporting Standards

Participants must report changes increases in income, decreases in deductions or changes in family composition within 10 days of the occurrence in order for the report to be “in a timely manner.” Changes may be initially reported verbally by the participant, but must be followed immediately by completion of the HACF form “Personal Declaration.” Upon return of the Personal Declaration to the HACF the participant’s change is then considered reported.

The HACF will verify the change through the third party verification process.

D. Effective dates for changes:

Changes reported “in a timely manner” will be made effective according to the following:

- Thirty (30) days’ notice to the participant for any increase in participant portion of the rent.
- Decreases in the rent payable by the participant will be made effective the first of the month following that in which the change is reported. However, no downward rent adjustments are to be processed until the facts are verified, even if a retroactive adjustment results because of the time required. Adjustments for difference in payment amounts will be handled by retroactive payments to the property owners.
- Changes not reported “in a timely manner” which cause a decrease in the HAP will be made effective retroactively to a date which would have resulted if the change was reported in a timely manner. The date of occurrence of the change must be verified and allowance made for the 30-day notification period, time for third party verification, and proper notification of change in payment amount to the participant. If, by no reported income “in a timely manner,” the participant owes money for overpaid HAP, the HACF can demand full payment of the overpayment in lieu of terminating the Section 8 voucher assistance.
- Reporting a change “in a timely manner” is defined as within 10 days of the date the change occurred.

When the change is not processed by the HACF in a timely manner:

If the changes are reported but not processed by the HACF staff in a timely manner with the required notice, the change will be effective on the first of the month thirty (30) days following the processed change. In addition, if the change resulted in a decreased, an overpayment by the tenant will be calculated retroactively to the date it should have been effective and a check will be sent to the appropriate individual.

• Timing of the Next Annual Recertification

In the event there is an interim adjustment completed, the next regular reexamination date does

not change.

## **XX. Family Moves**

A family is prohibited from moving during the initial year of occupancy and may not move more than once during any subsequent one year period.

The initial lease must be for one year. No shorter term will be permitted.

Program participants must give notice to the landlord for a full rental month which is from the first day to the last day of a month. Participants must plan their move so that the lease starts on the first day of the month. The only exception allowed for this is for those families taken from the waiting list and receiving their initial voucher. The move-in date for these families can be anytime during the month.

From time to time, requests to move may be denied on grounds that the HACF does not have sufficient funding for continued assistance. If HACF has made the determination that it is necessary to deny moves to a higher priced unit or a higher cost area based on insufficient funding, requests to move will be denied if (a) the move is initiated by the family, not the owner or HACF; and (b) HACF can demonstrate that the move will, in fact, result in higher subsidy costs. This policy applies to moves within HACF's jurisdiction as well as to moves outside it under portability.

The HACF, prior to denying a portability move because it does not have sufficient funding, will contact the receiving PHA and confirm that the receiving PHA will not absorb the family. If the receiving PHA will absorb the family, the HACF will approve the move under portability.

At any such time that HACF is denying moves to higher cost units, this fact will be communicated to the family at the time that they are issued a voucher to move. The policy will then be set forth in a letter to the family in the event that such move is denied. If the HACF denies a move because it does not have sufficient funding, the HACF will promptly notify the family in writing once there is sufficient funding to support the family's move.

## **XXI. Portability**

When a participant family wants to move to another jurisdiction, the head of household will notify the appropriate Section 8 Coordinator. The Coordinator will review the most recent annual or interim adjustment. If the most recent adjustment was performed within the last 60 days, the current 50058 and verifications may be sent to the appropriate agency in the receiving jurisdiction. If the most recent adjustment was performed more than 60 days prior to the request for portability, the participant family will complete a Personal Declaration and the Section 8 Coordinator will verify all information provided. The participant family must not owe any debt to the HACF. The participant family must have been leased with assistance of the HACF voucher program for one year prior to the request to use the portability option.

When the review process is completed, the form HUD-52665, HUD-50058 and appropriate verifications will be sent to the receiving agency.

If the receiving agency returns the HUD-52665 and HUD-50058 within 60 days of the expiration of the voucher, and they intend to bill our agency, appropriate action will be taken by the HACF. If no information is forwarded to our agency from the receiving agency within 60 days of the expiration date

of the voucher, the voucher participant will be considered terminated from our voucher program.

Any household using their portability option to transfer to the HACF will be subject to a criminal background check. If any history of criminal activity is reported, the family may be denied assistance by the HACF in accordance with policies described in III. Issuance of Housing Choice Vouchers.

All policies as set forth in the Administrative Plan regarding the voucher program apply to those families using the portability option to relocate to either to another jurisdiction or to this one.

## **XXII. Administrative Fee Reserve**

The Board of Commissioners must approve any use of administrative fee reserve.

## **XXIII. Other HACF Policies**

### **Separate Agreements**

Separate or "side" agreements for additional rent payments between the owner and the tenant are prohibited. Any owner found to be accepting such payments will be barred from participating in this voucher program, return of tenant's overpayments to landlord will be returned to them, and the HAP contract will be terminated.

Payments for optional appliances, services or reasonable items must be included in the lease as part of the rent. The use of such appliances, services or seasonal items must be noted in the lease if the rent includes any such items. Lease addenda executed other than when the lease is executed are not permitted. The lease and any addenda must be approved by the HA prior to execution.

### **Additional Housing Quality Standards Requirements**

The following acceptability criteria are required of all units in the program, in addition to the Housing Quality Standards (HQS) set forth in the federal regulations.

- All units must be supplied with tight-fitting screens for all operable windows.
- All windows and doors must work in the manner in which they were built to operate.

### **Late Fees on HAP to Owners**

The HACF deems the HAP to have been paid to the owner, landlord or property manager when it is mailed. The HAP for the initial month of tenancy will be mailed after the unit has passed inspection and the HAP Contract is signed and returned by the owner, etc. along with a copy of the fully executed lease with the Tenancy Addendum attached. A late fee will not be paid unless the HAP payment is late due to HACF error.

If the subsidized unit fails to pass the HQS inspection during the term of the HAP contract, the HACF will abate the HAP thirty (30) days after the landlord is notified of the needed repairs, unless an extension is granted by the agency. For failed items noted during a reexamination inspection, the correction period will automatically be extended to the reexamination effective date. A late fee is not paid during any abatement.



If the HACF pays a late fee it will be five (5) percent of the Housing Assistance Payment owed to the owner.

**XXIV. Family Self-Sufficiency Program**

Participation is limited to the 37 slots available

**XXV. Homeownership Program**

The Homeownership Program is addressed in the Section 8 Homeownership Administrative Plan.