

ADMINISTRATIVE PLAN

**Housing Choice Voucher Program
Family Self-Sufficiency Program**

**State of California
Business, Transportation and Housing Agency
Department of Housing and Community Development
Division of Financial Assistance
1800 3rd Street
P.O. Box 952054
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**JULY 2011
(Final)**

ADMINISTRATIVE PLAN

APPROVED BY:

	Date
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Chapter 1 - STATEMENT OF GOALS AND OBJECTIVES

INTRODUCTION

The Housing Choice Voucher (HCV) Program, previously known as the Section 8 Program, was enacted as part of the Housing and Community Development Act of 1974, which re-codified the U. S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the HCV Programs, are described primarily in 24 Code of Federal Regulations (CFR) Part 982 and implemented through this Administrative Plan (“the Plan”).

Administration of the HCV Program and the functions and responsibilities of the Department of Housing and Community Development (HCD) staff shall be in compliance with the personnel policy of HCD and the U. S. Department of Housing and Urban Development’s (HUD) HCV Program regulations, as well as all Federal, State and local Fair Housing laws and regulations.

HCV PROGRAM PURPOSE (24 CFR 982.1)

HUD’s strategic goals for the HCV Program are:

1. To strengthen the nation’s housing market, bolster the economy, and protect consumers.
2. To meet the need for equality affordable rental homes.
3. To utilize housing as a platform for improving quality of life.
4. To build inclusive and sustainable communities free from discrimination.

ADMINISTRATIVE PLAN PURPOSE (24 CFR 982.54)

The purpose of the Administrative Plan is to establish local policies for administration of the HCV and Family Self-Sufficiency (FSS) Programs in accordance with HUD regulations and requirements. The Administrative Plan states the Public Housing Agency (PHA) policy of matters for which the PHA has discretion to establish local policies and is a supporting document to the PHA Five-Year/Annual Plan. The Plan covers both admissions and continued participation in these programs. Policies are the same for both programs, unless otherwise noted.

HCD/Subcontractors are responsible for complying with all subsequent changes in Federal requirements pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence.

FAIR HOUSING POLICY (24 CFR 982.304)

It is the policy of HCD 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.

Specifically, HCD shall not on account of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability deny any family or individual the opportunity to apply for or receive assistance under HUD's HCV and FSS Programs, within the requirements of the HUD regulations.

To further its commitment to full compliance with applicable Civil Rights laws, HCD will provide Federal, State, and local information to HCV participants regarding "discrimination" and any recourse available to them should they feel they have been the victim 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 Tenant Briefing packets.

HCD subscribes to HUD's "open-housing" policy and, as such, directs HCD/Subcontractors to maintain a list of available housing submitted by owners in all neighborhoods within HCD/Subcontractor's jurisdiction to ensure greater mobility and housing choice to extremely low and very low-income households served by HCD/Subcontractor.

Chapter 2 - PROGRAM ADMINISTRATION

JURISDICTION

HCD acts as the PHA in the administration of the HCV and FSS Programs. HCD is located in Sacramento, California and administers the HCV and FSS Programs through the San Francisco HUD Office of Public and Indian Housing.

HCD administers the HCV Program in the following 12 rural counties: Alpine, Amador, Calaveras, Colusa, Glenn, Inyo, Mariposa, Modoc, Mono, Siskiyou, Trinity, and Tuolumne. In addition, HCD administers a FSS Program in Colusa, Glenn, and Trinity counties.

HCD/HAP ORGANIZATION

The HCV Program is administered within HCD by the Division of Financial Assistance, Housing Assistance Program (HAP). HCD's HAP staff includes:

- Program Manager
- Housing and Community Development Representative II (Program)
- Housing and Community Development Representative II (Program)
- Housing and Community Development Representative II (Fiscal)

HCD/HAP provides direct administrative services to Alpine County and contracts with the following organizations to provide outreach to tenants and owners, waiting list management, determination of client eligibility, issuance of Housing Choice Vouchers, tenant and owner briefings, Housing Quality Standards (HQS) inspections, annual recertifications and interim adjustments in the counties indicated.

SUBCONTRACTORS

Amador, Calaveras, Mariposa, and Tuolumne Counties
Central Sierra Planning Council (CSPC)
53 W. Bradford Avenue, Suite 200
Sonora, CA 95370

SUBCONTRACTORS continued

Colusa, Glenn and Trinity Counties

Glenn County Human Resource Agency (GCHRA)
Community Action Division
420 E. Laurel Street
Willows, CA 95988

Modoc and Siskiyou Counties

Great Northern Corporation (GNC)
780 North Davis Street
P. O. Box 20
Weed, CA 96094

Inyo and Mono Counties

Inyo/Mono Advocates for Community Action (IMACA)
224 South Main Street
P. O. Box 845
Bishop, CA 93514

RECORDS FOR MONITORING PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, HCD/Subcontractor will maintain manual and/or electronic records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and/or assess HCD/Subcontractor operational procedures objectively and with accuracy. Electronic data and records shall be submitted and maintained in Housing Pro and/or an alternate software program acceptable to HCD.

PRIVACY RIGHTS AND SECURITY OF TENANT FILES (24 CFR 5.212)

All applicants/participants are required to sign the Federal Privacy Act Statement form, which states the conditions under which HUD/HCD/Subcontractors will release tenant information. HCV Program practices and procedures are designed to safeguard the privacy of applicants and HCV Program participants.

In accordance with HUD privacy protection guidance, HCD/Subcontractor will maintain only information about applicants/participants that is relevant and necessary to administer the HCV program and will safeguard personally identifiable information (PII). PII is information such as individual's name, social security number, biometric records, which can be used to distinguish or trace an individual's identity either alone or when combined with other personal or identifying information. Sensitive PII is PII that when lost, compromised or disclosed without authorization could substantially harm an individual.

HCD/Subcontractor will take the following steps to ensure compliance with the Privacy Act:

- Limit collection of PII;
- Manage access to sensitive PII;
- Protect hard copy and electronic files containing sensitive PII;
- Protect electronic transmissions of sensitive PII;
- Protect hard copy transmissions of files containing sensitive PII;
- Follow records management, retention, and disposition requirements;
- Report all suspected compromises of sensitive PII related to HUD programs to HUD's National Help Desk at 1-888-297-8689.

Any document containing an applicant, tenant, or landlord's social security number or other confidential item that is no longer required, will be confidentially destroyed (shredded) to ensure privacy/confidentiality. Prior to such confidential destruction, HCD/Subcontractor will document in the tenant file all confidential items (i.e., police reports, background checks, etc...) that have been reviewed and/or relied upon in its determinations including, but not limited to, document origination, contact information, document type, and document identifying number/reference.

All applicant and participant confidential medical information required during the process of determining qualification for benefits shall be maintained in a sealed envelope marked "Administratively Confidential Medical Information – To Be Opened by Authorized Users Only".

All applicant and participant files will be stored in a secure location that is only accessible by **authorized** staff. Tenant files will be retained by HCD for seven years, and by Subcontractors for three years, after cancellation/termination of program assistance. After the appropriate retention period, the tenant files will be confidentially destroyed (shredded) to ensure privacy/confidentiality.

STORING PERSONAL INFORMATION ON PORTABLE COMPUTING DEVICE

In order to comply with State and Federal laws regarding the loss of computer equipment that contains personal information, it is the Department's policy that no personal information is to be stored on any HCD portable computing device and/or portable electronic storage device.

Portable computing devices include but are not limited to laptops and notebook computers and Blackberrys. Portable electronic storage media include CDs, diskettes, flash drives and thumb drives.

Personal information means an individual's first name or first initial and last name in combination with any one or more of the following:

1. Social security number;
2. Driver's license number or California Identification Card number; or
3. Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

To ensure compliance with this policy, please ensure that you do not save any personal information on any laptop, flash drive; CD's etc. If you believe you have a business need to store such information in a transportable format, you must receive written permission from your supervisor (HCD) and training from the IT Branch on how to properly encrypt such information. Maintaining the confidentiality of personal information is of utmost importance and the loss of a storage device with such information must be reported immediately.

The policy applies to all portable computing devices or portable electronic storage media that contain State data, including equipment owned by employees, vendors, contractors, or researchers.

Chapter 3 - OUTREACH

FAMILY OUTREACH (24 CFR 982.201(b)(2))

Notification of Housing Assistance

HCD/Subcontractor will provide notification to the public of the availability and nature of housing assistance for extremely low and very low-income families. Such notification will begin at least 30 days prior to the opening of the waiting list through publication of notices in newspapers of local circulation, minority media, and/or other suitable means.

The Notice shall:

- Advise the public that applications will be taken at a designated date, time, location and what, if any, preferences are being accepted;
- Include Limited English Proficiency (LEP) Notification; and
- Briefly describe the HCV Program.

To reach persons who do not have access to a local newspaper, HCD/Subcontractor shall post Program information on the HCD website and distribute fact sheets to libraries, social service offices and other agencies as determined appropriate by HCD/Subcontractor.

Outreach for Special Needs and Minorities

Applicants and participants with special needs are identified through the use of the Supplement to Tenant Information Form (TIF) and/or direct requests received from the applicant, participant, or care providers. HCD/Subcontractors will provide assistance for special needs requests on a case-by-case basis.

Special needs requests will be tracked by HCD/Subcontractors on the "Tenant Request for Accessible Units" form, and will include the name of the applicant/tenant, county, type of accessible unit or special assistance needed, type of assistance provided, and whether or not an appropriate unit was found.

For outreach to minorities and LEP populations, see Chapter 22, Limited English Proficiency (LEP).

OWNER OUTREACH (24 CFR 982.54(d)(5))

Recruitment of Owners

HCD/Subcontractor issues public invitations to owners as needed to make dwelling units available for leasing by eligible families. On a continuing basis, HCD/Subcontractor will welcome the participation of owners of decent, safe, and sanitary housing units.

HCD/Subcontractor will stay current on the conditions and availability of the housing stock within their jurisdictions. HCD/Subcontractor makes personal contact through formal or informal discussions/meetings with private property owners, property managers, and real estate agencies. HCV Program requirements are explained and printed material is offered to acquaint the owner/manager with the opportunities available under the Program.

HCD/Subcontractor maintains a listing of interested landlords and their property available for the HCV Program. The listing(s) will be maintained by county and include owner name, owner phone, if available, unit address, unit type, and description of known accessible feature, if any. The listing(s) will be updated as new information is received and will be made available to prospective tenants, as appropriate.

Identification of Accessible Units

HCD/Subcontractor will identify accessible units by contacting existing landlords, property management companies, real estate offices, newly constructed complexes, and reviews of local newspaper advertising as an ongoing process, and in conjunction with the annual rent reasonableness survey process.

Chapter 4 - ELIGIBILITY FOR ADMISSION

To be eligible for admission to the HCV Program, an applicant must meet HUD's criteria for eligibility determination, as well as any permissible additional criteria established by HCD.

HUD's eligibility requirements are:

FAMILY COMPOSITION (24 CFR 982.201)

The applicant must qualify as a family. The family may be a single person or a group of unrelated persons or a family related by blood, marriage or operation of law. Discrimination on the basis of familial status is prohibited and a group of persons may not be denied solely on the basis that they are not related by blood, marriage or operation of law.

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.

Joint Custody of Children (24 CFR 982.315)

Children who are subject to a joint custody agreement but live with the parent who is a voucher applicant or recipient for at least 51% (183 non-consecutive days) of the time or have primary physical custody and/or primary physical residence as set forth in a judgment or court decision will be considered members of that household.

HCD/Subcontractor will make a determination based on the available documentation including but not limited to court orders, school enrollment records, and benefit/subsidy records.

Child in Foster Care

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.

If a child has been placed in foster care, HCD/Subcontractor will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

If the head of household, spouse, or co-head receives verification that the child has been permanently removed from the home, the assisted family must supply the information to HCD/Subcontractor. Failure to supply the information in a timely manner is cause for termination of assistance.

Changes in Family Composition

HCD/Subcontractor may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources. However, the burden of proof that an individual has moved out of an assisted unit, or lives elsewhere, rests on the family.

ANNUAL INCOME LIMITATIONS (24 CFR 982.201(b))

Annual income shall not exceed the very low-income limit, as established by HUD and published in the Federal Register. In addition, the household income of 75% of all new admissions to the HCV Program must have incomes at or below 30% of the Area Median Income (i.e., extremely low-income limit, as established by HUD). HCD/Subcontractor shall limit new admissions at or below 30% of the Area Median Income to a level between 75% and 80% and, when necessary or as notified by HCD, admit applicants regardless of preferences or priorities to meet this requirement.

Income Targeting

Income targeting is not applicable to: 1) conversion of a participant's assistance from the Certificate to the Voucher Program; 2) continuously assisted families; or 3) families subject to displacement as a result of the prepayment of a mortgage or voluntary termination of an eligible low-income housing contract.

SOCIAL SECURITY NUMBERS (24 CFR 5.216)

On January 31, 2010, the Final Income and Refinement Rule took effect changing HUD regulations regarding the disclosure of Social Security Numbers (SSN).

Applicants

All applicants must submit documentation of a SSN for each household member at the time program eligibility is being determined. (See exceptions below.)

Participants

All participants must submit documentation of a SSN for each household member at the next annual or interim recertification if the participant has: (1) not previously disclosed a SSN; (2) previously disclosed a SSN that was determined invalid; or (3) been issued a new SSN. (See exceptions below.)

Participants adding new household members under the age of 6 who have been assigned a SSN are subject to the SSN disclosure and verification requirements. Children under the age of 6 who have not been assigned a SSN have 90 days to meet the SSN disclosure and verification requirements. At HCD's discretion, a 90 day extension may be granted if the participant's failure to comply was due to circumstances that could not have been reasonably foreseen and were outside the control of the participant.

Required Documentation of SSN

1. An original SSN card issued by the Social Security Administration (SSA);
2. An original SSA-issued document, which contains the name and SSN of the individual; or
3. An original document issued by a Federal or State government agency which contains the name and SSN of the individual.

Exceptions:

1. Existing program participants as of January 31, 2010 who are 62 years of age or older, and had not previously disclosed a valid SSN.
2. Existing program participants as of January 31, 2010 who previously disclosed their SSN and HUD determined the SSN to be valid; or
3. Individuals who do not contend to have eligible immigration status.

Penalties for Failing to Disclose and Verify SSN

HCD/Subcontractor will deny eligibility of the applicant, or terminate assistance and/or tenancy of the participant, if they do not meet the applicable SSN disclosure, documentation, and verification requirements.

1. Applicants must be denied assistance, but may remain on the waiting list if:
 - a. The failure to meet the SSN disclosure requirements was due to circumstances that could not have reasonably been foreseen and were outside the control of the applicant; and
 - b. There is a reasonable likelihood that the applicant will be able to disclose the SSN by the deadline; or
 - c. In accordance with HUD guidance.
2. Participant families must be terminated from assistance. HCD may defer termination and provide the participant with an additional 90 days to disclose a SSN only if:
 - a. The failure to meet the requirements was due to circumstances that could not have reasonably been foreseen and were outside the control of the participant; and
 - b. There is a reasonable likelihood that the participant will be able to disclose the SSN by the deadline.

CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS (24 CFR 5.504 (a)(b), 5.506, 5.508, 5.512)

For the Citizenship/Eligible Immigration requirement, the status of each family member is considered individually before the family's status is defined as "mixed" or "not-mixed". In order to receive assistance, a family member must be a U.S. citizen/U.S. national or eligible immigrant.

For U.S. citizens/U.S. nationals, HCD/Subcontractor will obtain verification of their status by requiring presentation of a U.S. passport, U.S. birth certificate, Employment Authorization card, Temporary Resident card, or other appropriate documentation, as provided by Section 214.

For eligible immigrants, adequate evidence consists of a signed declaration of eligible immigration status and one of the Section 214 documents listed in Section 5.508(b)(1) and referred to in Section 5.510.

For individuals who do not meet the criteria above (i.e., U.S. citizen/U.S. national or eligible immigrant), they may elect not to declare their status.

Mixed Families (24 CFR 5.506(b)(2))

Families that include eligible and ineligible individuals are called “mixed”. Families that include all eligible individuals are called “not-mixed”. A family is eligible for assistance as long as at least one family member is a U.S. citizen/U.S. national or eligible immigrant.

“Mixed” families will be given notice that their assistance will be pro-rated. If the “mixed” family status or pro-ration of assistance is contested, the “mixed” family may request an informal review.

HCD eligibility requirements are:

BIRTH CERTIFICATES

HCD/Subcontractor shall require birth certificates to support citizenship and dependent status of family members. If a family members’ birth certificate is not provided as requested, HCD will exclude that family member when determining family composition for the purposes of determining voucher size.

AGE ELIGIBILITY

Applicants to the HCV Program (i.e., head of household) must be old enough to enter into a lease, which is a legally enforceable written agreement, or contract. Individuals not meeting this criteria will not be authorized to submit an application for purposes of placement on the waiting list or obtaining program assistance.

DOCUMENTING MINORS

HCD/Subcontractor shall verify an appropriate, legal guardianship arrangement exists for non-related/related minors residing in the household when birth or adoptive parents are not members of the household. Custody-control documentation including, but not limited to, court orders, custody paperwork, foster care documentation, notarized custody certification by one or both parents, etc..., is required.

IDENTIFICATION

HCD/Subcontractor shall obtain photo identification for all adult household members.

Chapter 5 - APPLYING FOR ADMISSION

HOW TO APPLY

Families who wish to apply for any of HCD/Subcontractor programs must complete a written application form when applications are being accepted. For an application, contact the HCD/Subcontractor providing services in the county of interest. Applications received outside of this process will not be accepted.

Supplemental to Application for Federally Assisted Housing

HCD/Subcontractor shall implement Section 644 of the Housing and Community Development Act of 1992 by providing applicants/participants with HUD-92006, Supplement to Application for Federally Assisted Housing, which provides applicants/participants with the option to include information on an individual or organization that may be contacted to assist the applicant/participant in connection with their housing assistance.

APPLICATION PROCESS

The application process will involve two phases. The first is the “initial” application for assistance (referred to as a pre-application). This first phase results in the family’s placement on the waiting list.

The second phase is the “final determination of eligibility” (referred to as the full application). The full application takes place when the family reaches the top of the waiting list. At this time, HCD/Subcontractor ensures that verification of all HUD and PHA eligibility factors are current in order to determine the family’s eligibility for the issuance of a voucher.

ACCEPTING APPLICATIONS

Applications will be accepted according to the open waiting list announcement. Applications will be date stamped when received in the HCD/Subcontractor office and added to the waiting list accordingly. (See Chapter 6, Waiting Lists).

Chapter 6 - WAITING LIST(S)

A waiting list will be maintained for each county served by HCD/Subcontractor. Each waiting list will be organized according to date and time of application. Exceptions to this policy will be for budget necessity and/or preference placements only.

(Budget Necessity Exception: Under the terms of the Consolidated Appropriations Act of 2005, HCD must control lease rates to ensure that there is sufficient rental assistance to cover all obligations. Consequently, HCD may choose to centralize lease-up activity as necessary to control costs and meet other Federal requirements. To the extent that HCD finds it necessary to centralize lease-up activity, and at its sole discretion, HCD will seek to balance waiting list priority to the greatest degree practical within budget necessity.)

OPENING AND CLOSING OF WAITING LIST (24 CFR 982.206(a); 982.54(d)(1))

The opening of the waiting list (accepting applications) shall be undertaken in accordance with HUD requirements and adequate notification shall be provided in accordance with the Administrative Plan (See Chapter 3, Outreach).

Waiting lists will be closed when the lists contain sufficient applicants to facilitate appropriate lease up activity. Waiting lists may be closed without public notice and as determined appropriate by HCD/Subcontractor.

Income Targeting (24 CFR 982.201(b)(2))

When there is not a sufficient pool of extremely low-income families (30% of the Area Median Income) on the waiting list, HCD/Subcontractor will conduct outreach efforts and open the waiting list to extremely low-income families only.

REMOVAL FROM WAITING LIST AND PURGING

Depending on how quickly the HCD/Subcontractor waiting list turns over, the waiting list should be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

Any mailings to the applicant which require a response will state that failure to respond within 14 calendar days will result in the applicant's name being dropped from the waiting list. An extension of up to 20 working days to respond may be

granted, if requested and/or needed as a reasonable accommodation for a person with a disability.

If the applicant does not respond and is removed from the waiting list, the removal shall be documented. HCD/Subcontractor shall send a waiting list removal letter to the applicant (with the reason for the removal from the waiting list), and attach it to the purge file.

If any letter is returned by the Post Office with or without a forwarding address, the applicant will be removed from the waiting list and the returned envelope and letter will be maintained in the file. A removal letter will be sent to the last address on file with HCD/Subcontractor prior to receiving the returned letter.

If an applicant is removed from the waiting list, they are entitled to request an informal review. All requests for an informal review must be in writing and received by the deadline stated in the removal letter. Applicants will not be entitled to reinstatement to the waiting list unless the HAP Program Manager determines there were circumstances beyond the person's control.

APPLICANT RESPONSIBILITIES

Applicants are responsible for updating contact information by reporting in writing any changes in the family's mailing address or family composition. Applicants must respond to all written requests within 14 calendar days of the date of the request.

MANAGEMENT OF WAITING LIST

Individuals and/or families who previously participated in the HCV Program and whose assistance was terminated for cause, are ineligible to receive assistance for a period of three years from the date assistance was terminated. If the individual and/or family has reapplied for the HCV Program and becomes reachable on the waiting list before their term (three years) is up, HCD/Subcontractor will bypass the family and serve the next reachable applicant on the waiting list, until the three year requirement has been met. (See Chapter 25 Denial/Termination of Assistance).

Chapter 7 - PREFERENCES (24 CFR 982.207)

HOW TO APPLY FOR A PREFERENCE

Individuals certifying themselves as being either involuntarily displaced or a victim of domestic violence, as described below, may submit an application, or amend an application if currently on the waiting list, at any time (i.e., the county waiting list does not have to be open at the time of application/amendment).

HCD/Subcontractor will place the applicant on its waiting list according to the date and time the application/amendment was received, as well as the preferences they claim.

When pulling applicants from the waiting list, HCD/Subcontractors will give priority consideration to applicants with a preference over applicants that applied earlier but have no preference. Among applicants with equal preference status, assistance will be provided by date and time of application, with priority given to applicants who are claiming an involuntary displacement preference. In the case of a federally declared disaster, HCD may also choose to establish families who are Section 8 voucher holders or public housing residents in another jurisdiction as top priority.

Before a family certifying a preference receives assistance, HCD/Subcontractor will verify that the family qualifies for any preference that it claims. If the preference claimed at the time of application submittal has changed or is not substantiated upon verification, the applicant will either:

1. Be placed back on the waiting list in order of receipt by date and time, if the waiting list was open at the time of application; or
2. Be removed from the waiting list, if the waiting list was closed at the time of application.

Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible.

VERIFICATION OF PREFERENCE CLAIMED

To be eligible for a preference, HCD must receive written documentation from the appropriate government, or substantiating, agency confirming the applicant's involuntary displacement or domestic violence status. The applicant must also provide written verification of their current residence or location of where they are, or have been, staying.

PREFERENCE CATEGORIES

Preference 1: Involuntary Displacement

Applicants qualify for an involuntary displacement preference under the following conditions:

- They have been involuntarily displaced by a disaster (e.g., flood, fire, earthquake) that has been officially declared as such by a Federal, State, or local government agency; and/or
- They have been involuntarily displaced by a governmental action beyond the family's control (e.g., code enforcement, neighborhood redevelopment).

In addition:

- They must not be living in standard permanent replacement housing; and
- The involuntary displacement must have occurred no more than one year prior to the date of the application.

Preference 2: Domestic Violence

Applicants qualify for a domestic violence preference under the following conditions:

- They have been the victim of actual or threatened violence by a member of the household directed at him/herself or another member of his/her household; and/or
- They have vacated a unit because of domestic violence.

In addition:

- They must not be living in standard permanent replacement housing;
- They must have lived in the county where assistance is being requested for a minimum of six months during the time period immediately preceding their displacement;
- They must certify that the person who engaged in the violence will not reside with the applicant family, unless the PHA gives advance written approval; and
- The domestic violence must have occurred no more than six months prior to the date of the application.

Chapter 8 - REASONABLE ACCOMMODATION

REQUESTS FOR REASONABLE ACCOMMODATION

Applicants and participants who require a reasonable accommodation due to their disability may submit a request for reasonable accommodation at any time.

HCD/Subcontractor will provide a copy of its Reasonable Accommodation Policy and Request for Reasonable Accommodation form in the Tenant Briefing packet, annually during recertification, and at any other time when requested.

HCD/Subcontractor reserves the right to verify the need and connection of any request for reasonable accommodation with the disabled person's physician, or any other qualified health care provider, where the need or connection is not self-evident. The verification, if needed, must be submitted in the format outlined in the Request for Reasonable Accommodation.

HCD's decision to approve, modify, or deny a request for a reasonable accommodation will be made on a case-by-case basis and take into consideration the disability, the needs of the individual, and whether or not it involves a fundamental change to HCD's housing program or creates an undue financial or administrative burden. HCD/Subcontractor will document its approval, modification or denial of the request on the "Decision on Reasonable Accommodation Request" form.

If a reasonable accommodation is approved, the requestor will be notified of the approval and projected date for implementation. If the accommodation is denied, the requestor will be notified of the reasons for denial with information on HCD's grievance procedures (see Chapter 23, Grievance Procedure).

HCD/Subcontractor will maintain a "Request for Reasonable Accommodation Log" and establish a "Request for Reasonable Accommodation" file for each fiscal year. HCD/Subcontractor will maintain copies of each Decision on Reasonable Accommodation Request form in the Request for Reasonable Accommodation file for a period of three years. The original Request for Reasonable Accommodation form, the verification, if any, the decision, and any other correspondence and/or notes regarding the reasonable accommodation will be maintained in the "Tenant" file for the duration of tenancy, plus seven years. Confidential medical information will be kept in a sealed envelope and marked "Confidential Medical Information – To Be Opened By Authorized Users Only".

Examples of reasonable accommodations may include, but are not limited to, the following:

SPECIAL HOUSING TYPES (24 CFR 982.601)

HCD/Subcontractor may permit use of any special housing type if it is needed as a reasonable accommodation to provide accessibility for persons with disabilities. Need shall be determined on a case-by-case basis.

LEASING TO RELATIVES

HCD/Subcontractor may permit the owner of a unit to be a parent, child, grandparent, grandchild, sister or brother of any member of the tenant household if it is needed as a reasonable accommodation to provide accessibility for persons with disabilities. Need shall be determined on a case-by-case basis.

UNIT SIZE

HCD/Subcontractor may permit a larger unit size if it is needed as a reasonable accommodation to provide accessibility for persons with disabilities. Need shall be determined on a case-by-case basis.

MODIFICATION OF POLICIES

HCD/Subcontractor will make reasonable adjustments to its rules, policies, practices, and procedures in order to enable an applicant or participant with a disability to have an equal opportunity to use, enjoy, participate in, or access its programs and/or services. Exception: HCD/Subcontractor is not required to accommodate an individual with a disability by modifying a rule or policy that is required by statute. Need shall be determined on a case-by-case basis.

LIVE-IN AIDE (24 CFR 5.403, 982.316, 982.402(7), 982.608(b) & 982.615(b)(1))

Prior approval from HCD must be received before a Live-In Aide may reside in the unit. Approval of a Live-In Aide shall include a criminal background check and review of sex offender status.

HCD/Subcontractor may not approve an unidentified Live-In Aide, nor a larger unit than the family qualifies for under the occupancy standards for an unidentified Live-In Aide. Occasional, intermittent, multiple or rotating care givers typically do not reside in the unit and would not qualify as a Live-In Aide. HCD/Subcontractor may not approve an additional bedroom for a Live-In Aide under these circumstances.

A Live-In Aide may be approved to reside with a family, if:

- A health care provider documents that the need for a Live-In Aide is essential to the care and well being of an elderly person, a near-elderly person (50-61), or a person with disabilities;
- It is determined by HCD that the Live-In Aide is not obligated for the support of the person(s); and
- It is determined by HCD that the Live-In Aide would not be living in the unit except to provide care for the person(s).

A Live-In Aide will be treated differently than family member(s):

- Income of the Live-In Aide will not be counted for purposes of determining eligibility or level of benefits;
- Live-In Aides are not subject to Non-Citizen Rule requirements;
- Live-In Aides may not be considered as a remaining member of the tenant family and are not eligible for assistance;
- Live-In Aides will generally be provided a separate bedroom; and
- Live-In Aides will be required to sign the Live-In Aide Form.

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. The Live-In Aide will be counted when determining the family unit size.

Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification must be submitted on the Live-In Aide Verification Form, dated and signed, and must certify that a Live-In Aide is needed for the care of the family member, including information on the duration, amount and type of care needed.

HCD reserves the right to disapprove a request for a Live-In Aide and/or disapprove a particular person as a Live-In Aide subject to program guidelines. In addition, HCD may withdraw its prior approval of a Live-In Aide if the person commits fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program; the person commits drug-related criminal activity or violent criminal activity; or the person currently owes rent or other amounts to HCD in connection with Section 8 assistance.

Live-In Aide Family Members

The Live-In Aide must request HCD approval to have his or her family members live in the assisted unit. HCD will evaluate each request on a case-by-case basis, with approval subject to the requirements set forth in the federal regulations. In addition, HCD does not provide assistance for any additional rooms necessary to house a Live-In Aide's family.

If approved, HCD will allow the family member(s) of a Live-In Aide to reside in the unit, but will not count the family member(s) of a Live-In Aide when determining unit size and/or when determining the appropriate Payment Standard.

Reporting Changes

Any changes affecting HCD's approval of a Live-In Aide must be reported in writing within 14 calendar days. In addition, any changes of a Live-In Aide family member(s) must be reported in writing within 14 calendar days.

The participant family will be allowed a period of up to 60 days to find a replacement. Extensions of 30 days at a time may be requested by the participant family, up to a maximum of 120 days, for extenuating circumstances. HCD/Subcontractor will adjust the participant family's occupancy standard and corresponding payment standard if the participant family fails to find a replacement Live-In Aide within the time allowed, including any extensions.

Chapter 9 – ENTERPRISE INCOME VERIFICATION (EIV)

EIV is an upfront income verification system which provides the verification of income through independent sources in computerized form. EIV provides information on employment, unemployment benefits, Social Security benefits, Supplemental Social Security benefits, dual entitlement benefits, Medicare data, and disability status for each family member. The use of EIV is mandated by Federal regulations and is intended to reduce administrative and subsidy payment errors. EIV information is only available for current participants and cannot be used for verifying income of applicants.

USER CERTIFICATION

HCD/Subcontractors, as EIV users, are required to complete EIV system and annual Security Awareness Training and must certify the completion of this training before accessing EIV. In addition, HCD/Subcontractors will keep all certification(s) of EIV system & Security Awareness Training on file, and available for review.

VERIFICATION OF INCOME

Third Party Verification Requirement

PHA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:

- Reported family annual income;
- The value of assets;
- Expenses related to deductions from annual income; and
- Other factors that affect the determination of adjusted income.

EIV Verification Hierarchy

HUD's verification hierarchy applies to income determination for applicants and participants except as otherwise noted. HCD/Subcontractors will seek verification starting from highest level of verification to lowest level of verification:

- **Upfront Income Verification (UIV)** using EIV: Verification of income through HUD's EIV system which maintains wage, unemployment compensation, and social security benefit information for HCV participants. This form of verification use is mandatory with the only exception for income verification of applicants due to the unavailability of income information in EIV.

- **Upfront Income Verification (UIV)** using non-HUD system: Verification of income through an independent source (i.e., The Work Number, State government databases) that systematically and uniformly maintains income information in computerized form for a number of individuals. This form of verification use is optional.
- **Written Third Party Verification:** An original or authentic document generated by a third party source (i.e., pay stubs, payroll summary report, SSA benefit verification letter, bank statements) dated either within the 60-day period preceding the annual recertification or PHA request date. The PHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification information.

This form of verification use is mandatory to supplement EIV-reported income sources and when EIV has no data; mandatory for non-EIV reported income sources; mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute.

- **Written Third Party Verification Form (Traditional Third Party Verification):** A standardized form to collect information from a third party source which is sent from the PHA directly to the income source. This form of verification is mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation.
- **Oral Third Party Verification:** Independent verification of information by contacting the source via telephone or in-person visit. This form of verification is mandatory if written third party verification is not available.
- **Tenant Declaration:** The tenant submits an affidavit or notarized statement of income to the PHA. This form of verification is only used when the PHA is unable to obtain any type of third party verification.

Use of EIV Income Information

HCD/Subcontractor will comply with the third party verification requirements for employment, wage, unemployment compensation and social security benefits and any other information that is available in EIV by:

- Reviewing the EIV Income Report to confirm/validate tenant reported income;
- Printing and maintaining an EIV Income Report for annual recertifications and interim adjustments;
- Obtaining current acceptable tenant-provided documentation to supplement EIV information; and
- Using current tenant-provided documentation and/or third party verifications to calculate annual income.

A PHA is required to request written third party verification when:

- The tenant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute.
- The PHA requires additional information that is not available in EIV and/or the tenant is unable to provide the PHA with current acceptable tenant-provided documentation such as:
 - Effective dates of income;
 - New employment information (pay rate, number of hours, pay frequency); and/or
 - Confirmation of change in circumstances (reduced hours, rate of pay).

If EIV information is not available, the next available method on the EIV verification hierarchy will be used.

New Admission EIV Requirement

Within 120 days of the PIC submission date for each new admission, HCD/Subcontractor will:

- Obtain an EIV report and determine if there is an income discrepancy between the income information used to determine eligibility and the EIV report;
- Resolve any income discrepancy within 60 days of the EIV income Report date; and
- Maintain a copy of the EIV report in the tenant file.

IDENTITY VERIFICATION

HCD/Subcontractor will use the Identity Verification Report on a monthly basis to improve the availability of income information in EIV. The Identity Verification Report provides a Failed SSA Screening Report and Failed EIV Pre-Screening Report.

The Failed SSA Screening Report identifies any tenant whose identity cannot be confirmed by SSA due to incorrect personal identifiers (date of birth, surname, and/or SSN). HCD/Subcontractor will review this report on a monthly basis and correct errors by obtaining appropriate documentation from the tenant and submitting a corrected HUD-50058.

The Failed EIV Pre-Screening Report identifies any tenant who has failed the EIV pre-screening process due to incorrect personal identifiers, or invalid HUD-50058 transmission. For incorrect personal identifiers, HCD/Subcontractor will obtain appropriate documentation from the tenant, and update and transmit the HUD-50058 with the correct information. For invalid HUD-50058 transmission, HCD/Subcontractor will review the error description and take appropriate action to correct the error and transmit a revised HUD-50058.

NEW HIRES REPORT

The New Hires Report identifies participants who have been hired within the last six months when reported by the employer. Tenants identified on the New Hires Report will be researched to determine if the new employment indicated in the report was reported or not. When it was not reported, the head of household will be sent a notification letter so the additional income can be verified and an interim adjustment can be conducted for this new income. If it is determined that the family's unreported income caused a HAP overpayment, actions in accordance with HCD's repayment policies will be taken.

HCD/Subcontractors will run a New Hire Report monthly to ensure participants are accurately reporting new employment.

DECEASED TENANTS REPORT

HCD staff will generate the Deceased Tenants Report required monthly.

When HCD identifies an individual as being deceased, Subcontractors are required to take the following corrective actions:

1. Immediately contact the head of household or Emergency Contact Person (if the head of household is deceased and there is no other adult household member) to confirm the death. A letter should be sent to the head of household, followed by a telephone call.
2. Notify the owner in writing of a deceased head of household. For deceased single member households or a household where the remaining household member is a Live-In Aide, notify owner in writing of contract termination no later than the first of the following month after the death occurred.
3. Complete a 50058.
 - a. For deceased single member households, lock in an "End of Participation (6)" using the date of death or last day of the death month as the effective date.

- b. For multi-member households, lock in an “Interim Adjustment (3)” using the first of the month following the date of death as the effective date. Update the household composition and any changes in income due to the household member death, (for head of household deaths, change the head of household designation to another adult household member – delete the deceased tenant and report the former head of household’s SSN under Household Data/Members tab (3w).
- c. For HOH deaths with only minor household members remaining, determine if there is a parent or court-appointed guardian. Lock in an “Interim Adjustment (3)” using the first of month following the date of death as the effective date. Delete the deceased tenant, add the parent or guardian, designate parent/guardian as head of household, and report the former head of household’s SSN under the Household Data/Members tab (3w). If neither a parent or court-appointed guardian is available, apply the following actions:
- If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
 - If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker’s role is temporary. In such cases HCD/Subcontractor will extend the caretaker’s status as an eligible visitor.
 - At any time that custody or guardianship has legally been awarded to a caretaker, the voucher will be transferred to the caretaker.
 - During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.
- d. For Head of Household deaths with only Live-In Aide remaining, lock in an “End of Participation (6)” using the date of death as the effective date. Notify the Live-In Aide in writing that they are not entitled to, or eligible for, any rental assistance or continued occupancy in the subsidized unit, and that they are required to vacate the unit by the end of the month.

4. If the Deceased Tenant Report is incorrect and the household member is actually alive, immediately notify the head of household or adult household member in writing, enclose a copy of the EIV Income Report that shows the death information and advise them to have the SSA record corrected by contacting the SSA at (800) 772-1213 or visiting the local SSA office. Only SSA can correct erroneous death information.
5. Keep a copy of all written notifications in the tenant file.

DEBTS OWED TO PHAS AND TERMINATION INFORMATION IN EIV

The “Debts Owed to PHAs and Termination Database” tracks families that either: (1) owe a debt to any PHA; and/or (2) were terminated from a HUD rental assistance program for adverse reasons. Assistance can be denied to families with recorded debts owed or adverse terminations.

For utilization and maintenance of the “Debts Owed to PHAs and Termination Database,” HCD will:

1. Update and maintain the Debts Owed and Termination Information in EIV, as well as document in Housing Pro Notes that such information has been recorded in EIV;
2. Maintain back-up documentation to support information entered into EIV;
3. Review the “Debts Owed and Termination Report” in EIV monthly;
4. Respond to inquiries and/or disputes regarding information HCD has entered into EIV, and if requested;
 - a. Provide information maintained in EIV to terminated participant;
 - b. Promptly investigate reports of inaccurate information and provide a written notification of the results of the investigation; and/or
 - c. Correct any inaccurate information HCD may have recorded in EIV.

For each applicant and/or port-in family, HCD/Subcontractor will access EIV's “Debts Owed to PHA and Termination Database” and determine whether any adverse information is recorded. HCD/Subcontractor will:

1. Provide the “Debts Owed to Public Housing Agencies and Terminations Notification” (Form HUD-52675) to:
 - a. All applicants at preliminary application;
 - b. All participants at Annual Recertification; and
 - c. All tenants being sent “Intent to Terminate” and “Final Termination” letters.
2. Check the “Debts Owed and Termination Module” in EIV for each adult family member prior to admission or port-in.

For “Negative” results, print out the results and place in applicant/port file. No further action is necessary.

For “Positive” results, print out the results and place in applicant/port file.

- If the “Positive” results indicate an “Outstanding Debt”, the family may not be admitted to the program until the debt is paid in full to the reporting PHA;
- If the “Positive” results indicate an “Adverse Termination”, HCD/Subcontractor will determine if the family is eligible for assistance by applying the appropriate policies in Chapter 25, Denial/Termination of Assistance; or
- If the determination indicates the family is not eligible for assistance, HCD/Subcontractor will provide written notice to the family and include a copy of the search results.

PROCEDURES FOR CONTESTING EIV RECORDS

All information maintained in EIV originates from third-party sources. Therefore, if any information obtained from EIV is disputed, the tenant must contact the third-party source(s) directly to have the information corrected. Once the third-party source corrects its records, EIV will be updated when HUD matches against the updated databases.

Tenants disputing EIV information should follow the procedures listed below to have the information corrected:

Employment and Wage Information

Contact the employer directly, in writing, to dispute and request employment and/or wage information be corrected. If employer resolution is not possible, the tenant should contact the local State Workforce Agency (SWA).

Note - when a tenant disputes employment and/or wage information, HCD/Subcontractor should follow the procedures outlined in HCD's Administrative Plan, Chapter 9-EIV, Verification of Income, and/or procedures outlined in Notice PIH 2010-19 (HA) regarding Administrative Guidance for Effective and Mandated Use of the EIV system.

Unemployment Benefit Information

Contact the SWA directly, in writing, to dispute and request the unemployment benefits information be corrected.

Social Security (SS) and Social Security Insurance (SSI) Benefits Information

Contact the SSA at (800) 772-1213 or visit the local SSA office. SSA office information is available in the government pages of local telephone directories or online at www.socialsecurity.gov.

Debts Owed to PHAs and Termination Information

Contact the reporting PHA, in writing, to dispute the information including any supporting documentation. If the PHA determines the disputed information is incorrect, the PHA will update or delete the record from EIV.

Chapter 10 - INCOME DETERMINATION

ANNUAL INCOME (CFR 5.609)

HCD/Subcontractor will determine the amount of a family's income before the family is admitted to the HCV program and at least annually thereafter. The family's eligibility for the program and the amount of assistance the family receives are both based on this determination.

Annual income means all amounts, monetary or not, which:

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member;
- Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date;
- Are not specifically excluded; and/or
- Are derived (during the 12-month period) from assets to which any member of the family has access.

General income categories include, but are not limited to:

- Wages, salaries, and other compensation for personal services (such as commissions and bonuses);
- Business income;
- Asset income (such as interest on a savings account);
- Periodic amounts received from social security, retirement funds;
- Income received in place of earnings (such as unemployment benefits);
- Welfare assistance payments;
- (7) Periodic allowances like alimony and child support;
- Military pay; and/or
- Student financial assistance (under certain conditions).

HCD/Subcontractor may reject any income documentation for such reason as HUD may prescribe in applicable administrative instructions.

APPLICANT INCOME DETERMINATION (24 CFR 982.516)

Before an applicant is issued a voucher, HCD/Subcontractor will obtain third party verification for information provided by the applicant, including:

- Income;
- Assets;
- Allowances and deductions;
- Preference status;
- Full-time student status;
- Budget considerations; and
- Other factors relating to eligibility determination.

Applicant income verification will be consistent with the EIV verification hierarchy outlined in Chapter 9 - Enterprise Income Verification.

HCD/Subcontractor may use a minimum of two current, consecutive months of documents provided by the applicant for each income source and shall document in the Tenant File the steps they took to obtain verification. When UIV verification is not available, HCD/Subcontractor may use a minimum of two current, consecutive months of documents provided by the applicant for each income source.

Documents, when allowed by law, will be photocopied. When documents cannot be photocopied, HCD/Subcontractor shall certify that they viewed the document(s), noting what document(s) were viewed, the source of information, the information obtained, and the documents shall be signed and dated by HCD/Subcontractor.

If additional information is needed to determine eligibility, HCD/Subcontractor will send a letter to the applicant, requesting the additional information be submitted within 14 calendar days. If there is no response or the information is not forthcoming after the 14 days, a second request will be sent allowing another 14 calendar days to respond. If there is no response to the second request for additional information or the response is not forthcoming, the applicant will be notified of their removal from the waiting list.

After the verification process is completed, HCD/Subcontractor will make a final determination of eligibility based on verified data. (See Chapter 9-Enterprise Income Verification, regarding EIV income verification requirements for new admissions.)

PARTICIPANT INCOME DETERMINATION (24CFR 5.233 & 5.236)

HCD/Subcontractor will apply the EIV requirements for verifying participant income as outlined in Chapter 9 - Enterprise Income Verification.

MINIMAL/ZERO INCOME STATUS

Families claiming to have annual income less than \$3,600 or whose expenses appear to exceed their income will be asked to:

- Complete an Income/Expenses Certification;
- Provide information regarding financial assistance/contributions and gifts;
- Authorize HCD/Subcontractor to obtain and review one of their (free) credit reports; and
- Execute verification forms including unemployment benefits, TANF, SSI, etc., to ensure that other sources of income are not being received by the household.

If expenses exceed reported income or expenses/income information is questionable (i.e., family size verses expenses), HCD/Subcontractor will seek clarification. When additional information is not sufficient to clarify the questionable information, the family will be required to update income information by completing an Income/Expenses Certification on a quarterly basis.

CHILD SUPPORT AND ALIMONY (24 CFR 5.609(b)(7))

Regular child support and alimony payments are counted as income. When the child support and/or alimony is sporadic, averaging the income is acceptable.

Child support and/or alimony may be documented by:

- A copy of a separation or settlement agreement or a divorce decree stating the amount and type of support and payment schedule;
- A letter from the person paying the support;
- A copy of the latest check and/or payment stub; and/or
- Family's self-certification of amount received and the likelihood of support payments being received in the future, or that support payments are not being received.

Child support and/or alimony amounts awarded as part of a divorce or separation agreement must be counted as income unless the family can verify that they are not receiving the full amount. If the family is receiving less than the awarded amount or irregular payments, the family must also provide:

- Documentation from the agency responsible for enforcement or collection; or
- Documentation the family filed for child support or alimony collection action through a child support and enforcement/collection agency or an attorney.

IMPLEMENTING SS & SSI COST-OF-LIVING ADJUSTMENTS (COLA)

PHAs are required to anticipate applicant/participant income that will be received during the 12-month period following the effective date of admission or annual reexamination. Once the SSA announces its annual cost-of-living adjustment (COLA) for SS and SSI benefits, HCD/Subcontractor should apply the new COLA (i.e., at admission or next annual reexamination) to any SS/SSI benefits that will be received by an applicant/participant on or after the effective date of the adjustment.

BANK ACCOUNTS

Checking and savings account balances over \$4,999 require HCD/Subcontractor to attempt to obtain third-party verification from the appropriate financial institution. When checking and savings account balances do not exceed \$4,999, HCD/Subcontractors may use the last two months bank statements (online statements are acceptable) provided by the family as an acceptable form of verification in lieu of third-party verification by the financial institution.

For the purpose of determining the value of asset income amounts for checking and savings accounts, HCD/Subcontractor will use a two-month average balance for checking accounts and current balance for savings accounts.

REDUCTIONS IN WELFARE ASSISTANCE (24 CFR 5.615 (b), 5.603(b))

When a family's welfare benefit is reduced because of fraud, failure to participate in an economic self-sufficiency program, or failure to comply with a work requirement, they **will not** receive a reduction in their share of rent.

The amount that the welfare benefit has been reduced for fraud or a sanction for noncompliance is "imputed welfare income." The family's annual income includes the amount of imputed welfare income plus the total amount of other annual income. If the family's income increases after the sanction is imposed, the amount of the imputed welfare income is offset by the amount of additional income.

Imputed welfare income does not apply when the welfare benefits are reduced due to expiration of lifetime or other limit on welfare benefits or failure to obtain employment where the family is in compliance with welfare program requirements.

HCD/Subcontractor will obtain written verification from the welfare agency that the benefit reduction was caused by noncompliance or fraud before determining annual income or a family's request for an interim adjustment due to a decrease in income.

HCD/Subcontractor will notify the family whose assistance is adversely affected by imputed welfare income of their right to an informal hearing.

NET INCOME FROM A BUSINESS

In order to verify the net income from a business, the applicant/participant will provide and HCD/Subcontractor will review Internal Revenue Service (IRS) and financial documents (to be provided by the tenant) from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include one or more of the following:

1. IRS Letter 1722, which the applicant/participant is required to request from the IRS. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense is computed using straight-line depreciation rules;
2. Audited financial statement(s) of the business;
3. Documents such as Profit and Loss Statements, manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior 12 months (or lesser period if not in business for 12 months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available;
4. IRS Form 1040, including Schedule C (Small Business); Schedule E (Rental Property); Schedule F (Farm Income); and
5. Family's self-certification as to net income realized from the business during previous years.

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 applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), HCD/Subcontractor will require the applicant/participant to obtain IRS Letter 1722. If this is insufficient documentation due to the age of the business, HCD/Subcontractor will require applicant/participant to complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of the customer.

If child care services were terminated, telephone verification is acceptable from the customer whose child was cared for.

REGULAR CONTRIBUTIONS AND GIFTS (24 CFR 5.609(b)(7))

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

Any contribution or gift received every two months or more frequently 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.

For the purposes of loans, all regular contributions will be counted as income unless:

- Both parties (contributor and recipient) certify under the penalty of perjury that the regular contributions are loans; and
- One or both parties provide a written repayment agreement and documentation that payments are actually being made.

RECURRING GIFTS

If a family is receiving recurring financial gifts, the family must complete a “Financial Gift” form which contains the following information:

- The person who provides the financial gifts;
- The amount of the financial gifts;
- The regularity (dates) of the financial gifts; and
- The purpose of the financial gifts.

This self-certification may be used in conjunction with the Income/Expense Certification for families reporting minimal/zero income.

EXCLUDED INCOME (CFR 5.609(c))

All sources of income are required to be reported to HUD via the HUD-50058. Excluded income is reported, but not considered in the determination of annual income or when determining eligibility for housing assistance.

Excluded income includes, but is not limited to, income as defined in the Federal regulations at CFR 5.609(c) and amounts specifically excluded by any other Federal statute including the income listed below:

Foster Care/Kinship/Guardianship Subsidy Payments

Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone) are excluded from annual income. Foster care is defined to include the care of a foster child by a relative of the child.

Payments received for kinship care (i.e., foster care subsidies paid for foster children living with a related legal guardian) qualify as foster care payments and are excluded from annual income.

Payments received for guardianship subsidy programs which provide an alternative to adoption for eligible children who are leaving the State child welfare system or who are at risk of being placed in foster care are also excluded from annual income.

Veteran's Affairs Benefits

Any deferred disability benefits that are received in a lump sum amount or in prospective monthly amounts from the Department of Veteran's Affairs (VA) are excluded from annual income. This exclusion applies regardless of whether or not the family member that is the beneficiary of the award would qualify as a person with disabilities under HUD regulations.

Economic Stimulus Income

Tax rebates authorized under the Economic Stimulus Act of 2008 are considered non-recurring income and are not counted as income.

Under the American Recovery and Reinvestment Act (ARRA) recipients of SS, SSI, railroad retirement benefits, and veterans disability and pension benefits may receive a one-time stimulus payment in the amount of \$250. These payments are not regarded as income and should be excluded from annual income.

DEPENDENT ALLOWANCE (24 CFR 5.611 (a)(1))

The dependent allowance is a \$480 deduction for each dependent (less than 18 years of age). A birth certificate is an acceptable form of verification for the dependent allowance.

ELDERLY/DISABILITY ALLOWANCE (24 CFR 5.611(a)(2))

The elderly/disability allowance is a \$400 deduction for elderly or disabled families.

Elderly Family

An elderly family is a family in which the head, spouse, co-head, or sole member is 62 years of age or older. Birth certificates are an acceptable form of verification of age.

Disabled Family

A disabled family is a family in which the head, spouse, co-head, or sole member is a person with disabilities. Receipt of disability benefits from SSA is sufficient verification of disabled status for the purpose of qualifying for this deduction. Family members claiming disability who do not receive disability benefits from SSA must provide third-party verification from a knowledgeable professional that documents the family member meets the HUD definition of disability. The disability status should be updated annually, unless it is evident that the disability is ongoing.

MEDICAL EXPENSE ALLOWANCE (24 CFR 5.611(a)(3)(i))

The medical expense deduction is only permitted for households in which the head or spouse is at least 62 or disabled (elderly or disabled households). If the household is eligible for a medical expense deduction, the medical expenses of all family members may be counted.

When it is unclear in the HUD rules as to whether or not to allow an item as medical expense, IRS Publication 502 will be used as a guide. (<http://www.irs.gov/publications/p502/index.html>).

These expenses may include:

- Services of doctors and health care professionals;
- Services of health care facilities;
- Medical insurance premiums;
- Prescription medicines;
- Non-prescription medicines;
 - Must be doctor-recommended in order to be considered a medical expense,
 - Will be counted toward medical expenses if the family provided legible receipts,

- Transportation to treatment (cab fare, bus fare, mileage);
- Dental expenses, eyeglasses, hearing aids, batteries;
- Live-in or periodic assistance;
- Monthly payment on accumulated medical bills (regular monthly payments on a bill that was previously incurred; amount expected to be paid in the coming 12 months);
- Acupressure, acupuncture, related herbal medicines, and chiropractic services; and
- Service animal care.

Anticipating Ongoing Medical Expenses

Medical expenses that are clearly regular and ongoing, such as medications for chronic conditions, can be estimated fairly easily, so can regular monthly payments on medical bills incurred in the past but not yet paid in full. However, for estimating irregular medical expenses, such as eyeglasses or occasional visits to the dentist, or expenses that are unexpected, HCD/Subcontractor will determine how much, on average, the family has spent on these expenses annually over the past two years and use that average as its anticipated medical expenses for the coming year.

CHILD CARE ALLOWANCE (24 CFR 5.603)

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

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

The child care expenses must be anticipated; they must be costs that a family expects to pay during the 12-month period following certification or reexamination.

Also, there is an earnings cap on child care expenses. HUD regulations stipulate that if child care is necessary to permit employment, the amount deducted may not exceed “the amount of employment income that is included in annual income.” The earnings cap on child care expenses applies only when the expenses enable a family member to work. It does not apply if the expenses enable a family member to seek work or to further his or her education.

DISABILITY EXPENSE (24 CFR 5.603)

Families are entitled to a deduction for unreimbursed expenses to cover care attendants and auxiliary apparatus for any family member who is a person with disabilities, to the extent these expenses are necessary to enable a family member (including the member who is a person with disabilities) 18 years of age or older to be employed.

This allowance is equal to the amount by which the cost of the care attendant (i.e., in-home care, adult day care, nursing, housekeeping, personal care, errand services, interpreters for persons with hearing impairments, readers for persons with visual disabilities, and similar care) or auxiliary apparatus exceeds three percent (3%) of gross annual family income. Auxiliary apparatus items may include wheelchairs, ramps, adaptations to vehicles, scooters, reading devices for persons with visual disabilities, service animals, and similar items. They may also include the cost of maintenance and upkeep for such items (e.g., the food and veterinary costs for a service animal). However, the allowance may not exceed the earned income received by the family member who is 18 years of age or older who is able to work because of such attendant care or auxiliary apparatus.

In addition, disability assistance expenses must meet these other regulatory requirements:

- The expenses must be anticipated; that is, they must be costs that a family expects to pay during the 12-month period following certification or reexamination;
- They may not be reimbursed by an outside source, such as an insurance company;
- They may not be paid to any member of the assisted family; and
- They must be reasonable.

Chapter 11 - VOUCHER ISSUANCE

VOUCHER SIZE

The voucher size is determined by the occupancy standards and the family composition.

VOUCHER TERM (24 CFR 982.54(d)(2); 982.303)

The newly-issued voucher is valid for a period of 60 days from the date of issuance.

A 60-day extension may be requested if:

- there are extenuating circumstances (e.g., hospitalization or family emergency), which has affected the family's ability to find a unit within the initial 60-day period; or
- the family has evidence that they have made consistent efforts to locate a unit and requested assistance from HCD/Subcontractor to help locate a unit.

A second 60-day extension may be requested if:

- the voucher holder is disabled; or
- the voucher holder is the sole caregiver for a disabled family member.

Under no circumstances shall the maximum voucher term exceed 180 days.

OCCUPANCY STANDARDS (24 CFR 982.402)

HUD requires that HCD establish occupancy standards for the determination of voucher size and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. These standards also must meet the minimum requirements of Housing Quality Standards (HQS).

Guidelines for voucher issuance include:

- Occupancy based on 2 persons per bedroom or living/sleeping room;
- Minor children will not be required to share a bedroom with their parents, but the family may choose to accept a smaller size voucher;
- Unborn children shall be included in the size of the household for a family that consists only of a pregnant woman;
- Foster children shall be included in the size of the household;
- Space will not be provided for a family member who is absent more than 180 consecutive days. (Members of the military on active duty are exempt from this requirement.); and
- Dependent children who are full-time students who live away from home to attend school may continue to be included when determining unit size.

Exceptions to the above standards require pre-approval by HCD and will only be considered under the following circumstances:

1. Requests made through the reasonable accommodation process; or
2. Participants admitted to the program prior to July 1, 2009, who were issued a larger voucher under prior year(s) Occupancy Standards.

Exceptions made pursuant to (2) above, will be rescinded and the current Occupancy Standard will apply at time of any move or change of unit or at annual recertification if a change in family composition has occurred.

VOUCHER DETERMINATION FOR SPLIT HOUSEHOLDS (24 CFR 982.315)

In cases when a household assisted under the HCV Program becomes divided into two households, HCD/Subcontractor will review the situation and make a determination as to which adult member will retain assistance, subject to the following:

- The desires of the parties involved;
- Which party has custody of any dependent children, or which party the children will be with for the majority of the year;
- To whom the assistance was issued; and/or
- Who remains in the unit.

When a family breakup results from an occurrence of domestic violence, dating violence, or stalking, the assistance will remain with the victim. (See Chapter - 21, Violence Against Women Act).

Documentation to prove these items will be the responsibility of the requesting party. If documentation is not provided, HCD/Subcontractor reserves the right to determine who will receive assistance.

Chapter 12 - OCCUPANCY REQUIREMENTS

ABSENCE FROM THE UNIT (24 CFR 982.54(d)(10); 982.312(a) and 982.551(b)(7)(i))

Federal regulations allow for a family's brief absence from their unit. "Absence" means that no adult member of the household is in the unit. If the family will be absent from their home for more than 14 consecutive days, they must provide written notification to HCD/Subcontractor. Failure to notify HCD/Subcontractor of a family absence that will exceed 14 consecutive days is grounds for termination of assistance.

Absences of up to 90 consecutive days are acceptable, with prior written notification by the family and prior approval granted by HCD/Subcontractor. HCD/Subcontractor considers hospitalization, incarceration, family care, vacation, and employment as acceptable reasons for absences up to 90 days. The family's written notification to HCD/Subcontractor must include the beginning and ending dates of the absence, and the reason for the absence. The family must notify HCD/Subcontractor upon returning from the absence. Incarceration or hospitalization may prevent the prior approval; therefore, in those situations HCD/Subcontractor will allow 14 calendar days after the beginning date of the incident for the family to provide proper written notice.

If the family leaves the unit for more than 90 days, the unit may not be their principal place of residence and the family may be terminated from the Program. However, on a case-by-case basis, exceptions for an additional 90 days absence may be granted due to extenuating circumstances (i.e., hospitalization).

Right of Survivorship

Persons not listed on the application/lease three months prior to the absence, or death, of the adult household member(s) will not be recognized as a household member and are not eligible for assistance.

PERMANENTLY ABSENT (24 CFR 982.312)

If any adult member of the household leaves the household for more than 180 days, that adult member is considered permanently absent from the unit. (Members of the military on active duty are exempt from this requirement.) The remaining adult member of the family must report, in writing, the change in family composition to HCD/Subcontractor. Upon the next annual reexamination, the new household (voucher) size will be used to calculate the housing assistance payment.

VISITORS (24 CFR 982.551(h)(2))

Any individual not included on the application that has been in the unit for 30 consecutive days or more without HCD/Subcontractor approval, or a total of 60 days in a 12-month period, is considered to be living in the unit as an unauthorized household member. (Note: When a tenant's lease has a more restrictive requirement for visitors than HCD's visitor policy, tenant will abide by the visitor restrictions in their lease.) Absence of evidence of any other address will be considered verification that the visitor is a member of the household. 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 household. If the head of household requests for the visitor to become a member of the household, an interim will be completed and the housing assistance payment will be amended to include the new person, but the occupancy standard will not be changed until the next regular reexamination. However, if the household income is consequently increased so that the household does not qualify for the rental assistance, the assistance will be terminated in accordance with HUD regulations.

Dependent children who are full-time college students who live away from home to attend school may continue to remain part of the household, and will be considered during annual reexaminations of the housing assistance payment. Upon attaining age 23, full-time students who were part of the household, but who now live away from home during the school year and are no longer on the lease must comply with the same restrictions imposed on other visitors (described above).

In a joint custody arrangement, if the minor child is in the household less than 183 days per year, the minor child will not be considered a family member and will not be held to the 60-day visitor maximum.

PARTICIPANT MOVES (CFR 982.314 (c))

Moves (changes of unit) shall be limited to the end of the initial term of the lease and/or one move per 12-month period. Initial lease up of unit is included as one move per 12-month period. Exceptions to this requirement will be allowed in instances where:

1. Good cause can be established; or
2. A mutual recession is obtained from the landlord.

Good cause includes, but is not limited to, domestic or other violence, loss of income due to death or divorce, and other health and safety issues. The tenant must provide supporting documentation such as police reports, court order, death certificate, or divorce papers when requesting a waiver for good cause. Determinations will be made on a case-by-case basis.

Families served with notice to terminate the lease or with an eviction notice from the landlord may request, and HCD will issue, a voucher to move with continued assistance if:

1. The family is in good standing and in compliance with their family obligations.

However, HCD/Subcontractor will not issue a voucher until the end of the landlord's notice period, or if:

1. Any legal matter is still pending or not resolved;
2. The family has not provided proper notice to the landlord and the PHA; and/or
3. The family has entered into a Repayment Agreement.

For families who have entered into a Repayment Agreement with HCD, the family may not move to another unit or port out until the Repayment Agreement is paid in full.

Notification Requirements

For any move, the tenant must provide proper notice (30-day written notice) to HCD/Subcontractor and landlord. If the tenant moves without providing the required notifications and/or obtaining a mutual rescission from the landlord, the tenant may be terminated from the HCV Program.

Families who move out of a unit in violation of the lease with or without prior notification to HCD/Subcontractor will not be subject to termination of assistance if the move was necessary to protect the health and safety of a family member who is a victim of domestic violence, dating violence, or stalking. (Refer to Chapter 21 - Violence Against Women Act)

Chapter 13 - PORTABILITY

INCOMING VOUCHERS (24 CFR 982.355)

HCD/Subcontractor will accept families with a valid Housing Choice Voucher from another PHA's jurisdiction. The HAP Program Manager will determine whether incoming vouchers are absorbed or administered, based on overall program lease rates and/or for reasons as determined by HCD.

OUTGOING VOUCHERS (24 CFR 982.353(b))

All portability moves are subject to HUD portability rules and funding availability as determined by the HAP Program Manager. In addition, all portability moves must be to an area in which there is a PHA administering the voucher program.

Outgoing portable vouchers will be issued with an initial term of 60 days and include a 60-day extension. For families with a person with disability status, an additional 60-day extension will be issued for a maximum of 180 days.

Applicants

HCD will deny portability to an applicant family if:

1. Neither the head of household nor the spouse had a domicile (legal residence) in the county when the family first submitted an application for admission to the program. Such denial will be for a period of 12 months following admission to the program; or
2. The family is not income eligible for admission to the voucher program in the receiving PHA's jurisdiction.

Transfers of applicants from one HCD county to another are subject to the applicant portability requirements identified above.

Participants

HCD will deny portability to a participant family if:

1. The family owes money to HCD;
2. The family is in violation of a family obligation;
3. The family has moved out of its assisted unit in violation of the lease, unless the family has complied with all other family obligations and moved out of the unit in order to protect the health or safety of an individual who

is or has been a victim of domestic violence, dating violence, or stalking and who reasonably believed that he or she was in imminent danger of further violence if he or she remained in the unit.

Portability families are required to contact the receiving PHA promptly and comply with the receiving PHA's procedures for incoming portable families.

Denying Portability Moves Due to Insufficient Funding

HCD/Subcontractor will only deny portability moves to a higher cost area if it is unable to avoid terminations of housing assistance for current participants during the calendar year in order to remain within its budgetary allocation (including any HAP reserves). Before denying portability moves for insufficient funding, HCD/Subcontractor will contact the receiving PHA and confirm that the receiving PHA will not absorb the family. If the receiving PHA is willing to absorb the family, HCD/Subcontractor will approve the portability move.

Chapter 14 - TENANT BRIEFINGS

PURPOSE OF BRIEFINGS (24 CFR 982.301)

The purpose of the briefing is to provide new participants with the information contained in the Tenant Briefing packet and to ensure that all participants are aware of their responsibilities.

Tenant Briefing Packets

The Tenant Briefing packet shall contain the following:

- A general information brochure explaining the basics of the HCV Program for landlord use;
- Supplement to Application (HUD-92006);
- Family Obligations and Responsibilities form;
- Conditions and procedures for notifying HCD/Subcontractor of changes that occur between annual re-exams;
- Informal Review/Hearing Procedures;
- “What You Should Know About EIV”;
- Debts Owed to Public Housing Agencies and Termination Notice;
- Request for Reasonable Accommodation Policy/Form;
- VAWA Tenant Notification form;
- Certification of Domestic Violence, Dating Violence, or Stalking form, HUD-50066;
- The HUD brochure Fair Housing;
- The HUD fraud brochure Applying for HUD Housing Assistance? Think about this...is Fraud Worth It? (HUD-1141);
- Discrimination complaint form;
- Grievance Procedure;
- Language Identification Flashcard and LEP Information;
- A current list of interested landlords and the address of their available property, denoted with accessibility features (if available);
- Landlord/Tenant HQS Inspection Checklist;
- The HUD brochure A Good Place to Live;
- The HUD brochure on lead-based paint Protect Your Family from Lead in your Home;
- A list of Payment Standards;
- Utility Allowance Schedule;
- Instructions on calculating gross rent; and
- Any supplemental material HCD/Subcontractor deems necessary.

ATTENDANCE REQUIREMENTS

Upon determination of eligibility, a briefing will be conducted, either in person or by telephone. At a minimum, the head of household is required to attend/participate in the briefing.

Applicants are responsible for rescheduling briefing appointments. If the applicant does not reschedule and misses the scheduled briefing appointment, HCD/Subcontractor may reject the application. Rejection of the application means the applicant will be removed from the waiting list. The applicant will be notified in writing if the application is rejected for this reason. Applicants may reapply when applications are being taken.

BRIEFING FORMAT

Briefings can either be in a group or held individually. HCD/Subcontractor will:

- Review Tenant Briefing packet;
- Discuss the allowable deposits that can be collected by the owner;
- Discuss the conditions in the lease under which tenancy may be terminated;
and
- Discuss the conditions under which HCV housing assistance may be terminated.

Chapter 15 - HOUSEHOLD OBLIGATIONS AND RESPONSIBILITIES

HOUSEHOLD OBLIGATIONS

While the relationship between the tenant and landlord are the same as in the private housing market, the HCV Program recipients have the following additional obligations:

THE FAMILY (AND/OR ANY MEMBER THEREOF) MUST:

1. Supply any information that is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status and any information requested for use in a regularly scheduled reexamination or interim reexamination of family income and composition. "Information" includes any certification, release or other documentation.
2. Disclose and verify Social Security Numbers and sign and submit consent forms for obtaining information as required by Federal regulations.
3. Provide true and complete information.
4. Cooperate with HCV Program staff for housing quality inspections and notify HCV Program staff, at least **24 HOURS IN ADVANCE**, if the inspection time and date cannot be met.
5. Maintain the unit in a clean, sanitary and safe condition, and abide by the terms of the lease.
6. Allow only persons listed on the contract and application to reside in the unit.
7. Notify HCV Program staff and the manager/owner, **30 DAYS IN ADVANCE** and **IN WRITING**, if you intend to vacate or move from your unit.
8. Provide written notification, including dates and reason for absence, to HCV Program staff in advance, **if no adult family member will be in the home for more than 14 consecutive days.**
9. Give HCV Program staff a copy of any manager/owner eviction notice.
10. Use the assisted unit as their only residence. The family must supply any information or certification requested by HCV Program staff to verify that the family is living in the unit.

11. REPORT IN **WRITING** WITHIN 14 CALENDAR DAYS:
 - a. Any changes in the household members, such as family members added to or no longer residing in the household.
 - HCV Program staff must approve the composition of the assisted family residing in the unit. The family must promptly inform HCV Program staff of the birth, adoption or court-awarded custody of a child. The family must request, in writing, HCV Program staff approval to add any other family member as an occupant of the unit.
 - Prior approval from HCV Program staff must be received before a foster child or a live-in aide may reside in the unit.
 - b. Any income changes to the household. ALL sources of income are to be reported accurately.
12. **RETURN WITHIN 14 CALENDAR DAYS** any information or forms requested by HCV Program staff. This includes signing and returning copies of contracts, leases, amendments, and inspections.
13. Pay utility bills and supply appliances that the owner is not required to supply under the lease.
14. Report any needed repairs to the manager/owner of the unit. If the repairs are tenant caused, you must repair it at your cost.
15. Correct any HQS failures that are determined to be caused by the tenant. If the HQS failure is life threatening, the tenant must correct or stabilize the violation within 24 hours. For other tenant-caused failures, the tenant must correct the violation within 30 calendar days (or by any HCD/Subcontractor-approved extension).
16. Obtain prior written approval of the landlord, to 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 (i.e., conflict with zoning ordinances).

THE FAMILY (AND/OR ANY MEMBER THEREOF) MUST NOT:

1. Commit any serious or repeated violation of the lease.
2. Engage in drug-related criminal activity, alcohol abuse or violent criminal activity.

3. Commit fraud, bribery or any other corrupt or criminal act in connection with the HCV Program.
4. Engage in or threaten abusive or violent behavior toward HCV Program staff.
5. Enter into side agreements with the manager/owner.
6. Sublease the unit, assign the lease, or transfer the unit.
7. Own or have any interest in the unit.
8. Have a household member that is subject to a requirement to register as a sex offender. If this is occurs, assistance will be terminated.
9. Receive HCV tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit.

Chapter 16 – SEX OFFENDER

HUD/Subcontractor will follow the procedures prescribed by HUD in PIH Notice 2009-35 when determining HCV Program eligibility for all individuals age 14 and above.

PRIOR TO ADMISSION

For each applicant household member (age 14 and above), HCD/Subcontractor will determine if they are required to register as a lifetime sex offender by conducting a search of the following State and national sex offender data repositories:

1. California Megan's Law Website (CMLW) at: <http://www.meganslaw.ca.gov/>;
and
2. Dru Sjodin National Sex Offender Public Website (NSOPW) at:
<http://www.nsopw.gov>.

If any applicant household member (age 14 or above) is identified as a lifetime registered sex offender, or if the applicant withholds or falsifies information on the Supplement to the Tenant Information Form (TIF), HCD/Subcontractor must:

1. Provide the applicant household member with the information confirming their status as a sex offender;
2. Allow the applicant household member the opportunity to dispute the accuracy and relevance of the information before denial of assistance; and
3. Deny admission of any applicant household member required to register as a lifetime sex offender.

AT ANNUAL RECERTIFICATION

HCD/Subcontractor will determine if any participant household member (age 14 and above) is required to register as a lifetime sex offender by conducting a search of the sex offender data repositories identified above.

If any participant household member (age 14 or above) is identified as a lifetime registered sex offender, or if the participant previously failed to disclose criminal history, HCD/Subcontractor will pursue termination in accordance with our Administrative Plan.

DOCUMENTATION/RECORDKEEPING

For each search conducted, HCD/Subcontractor will place a copy in the applicant file for a period of three years (for participants, duration is tenancy plus three years), and will include the following:

1. Name of applicant/participant household member (age 14 and above);
2. Name of data repository searched;
3. Date search performed; and
4. Printout of search results.

For positive results obtained from the NSOPW, HCD/Subcontractor will verify the information with the jurisdiction responsible for the information or the law enforcement agency where the offender resides to ensure the information is accurate and the duration of the individual's registration requirement is for life. If a positive result is obtained from both the NSOPW and CMLW, the additional verification for NSOPW positive results is not required.

HCD/Subcontractor will maintain confidentially any sex offender registration information that is obtained from a source other than NSOPW or CMLW data repositories or some other form of public record, and will destroy such information once the deadline for disputing HCD/Subcontractor's determination to deny or terminate assistance has passed.

Chapter 17 - LEASE APPROVAL & HAP/VOUCHER CONTRACT EXECUTION

LEASE APPROVAL/DISAPPROVAL (24 CFR 982.305)

After HCD/Subcontractor has reviewed the Request for Tenancy Approval and the lease, documented rent reasonableness, and conducted an inspection and approved the unit, HCD/Subcontractor approves the tenancy.

If HCD/Subcontractor determines that the tenancy cannot be approved (i.e., fails the 40% rule, fails rent reasonableness), the landlord and family will be notified and the reason(s) provided. HCD/Subcontractor will explain the problems to the owner and applicant/participant and suggest how they may be corrected. HCD/Subcontractor will continue processing the Request for Tenancy Approval and the lease at the applicant/participant's discretion only if there is a reasonable likelihood that the problem can be solved.

If the problem cannot be corrected after HCD/Subcontractor has negotiated with the owner, HCD/Subcontractor will inform the tenant that the lease is disapproved and the tenant should continue to search for eligible housing.

LEASE REQUIREMENTS (24 CFR 982.309 & 24 CFR 982.519(b)(5)(ii))

The initial term of the lease is required to be at least three months. Owners must notify the tenant and HCD/Subcontractor of any increase in the amount of the rent at least sixty days before the effective date of the increase. Rules regarding "rent reasonableness" also apply (see section below).

The lease must include the following information:

- Names of the owner and tenant;
- Unit address;
- Term of the lease, including initial term and provisions for renewal;
- Amount of monthly rent to owner; and
- Identify utilities and appliances to be provided by the owner and tenant.

The Tenancy Addendum (HUD-52641) must be signed by the owner and tenant and made a part of the lease. The terms of the Tenancy Addendum prevail over any other provision of the lease.

LEASING TO RELATIVES

Unless the HAP contract was effective prior to June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any member of the tenant household. HCD may waive this restriction as a reasonable accommodation for a family member who is a person with a disability (See Chapter 8 - Reasonable Accommodation).

OWNER OCCUPIED UNITS (24 CFR 982.352)

An assisted unit may not be occupied by the owner or by any person with an interest in the unit except for participants owning a manufactured home and receiving assistance for the space rental.

RENT REASONABLENESS (24 CFR 982.507)

HCD/Subcontractor will make a determination as to the reasonableness of the rent that the owner is proposing in relation to comparable units on the private unassisted market. The market area for rent reasonableness comparables shall include the areas in which HCD/Subcontractor provides HCV Program services.

Rent reasonableness determinations are made when units are placed under HAP contract for the first time **and** when owners request annual or special contract rent adjustments. HCD/Subcontractor will document in the tenant file that the approved rent:

- Does not exceed rents charged by the owner for comparable unassisted units in the private market; and
- Is reasonable in relation to rents charged by other owners for comparable units in the private market.

The items used for rent reasonableness documentation include:

- Square footage;
- Number of bedrooms;
- Number of bathrooms;
- Location;
- Unit type;
- Quality, amenities;
- Facilities;
- Date built;
- Management and maintenance services; and
- Features of accessibility.

HCD/Subcontractor, for access by HUD/HCD, will maintain documentation of the rent reasonableness study for each unit leased.

HCD/Subcontractor will maintain a file(s) that includes comparable data on unassisted units in the private market. HCD/Subcontractor will compare the subject unit against selected units in the same area with similar characteristics. Adjustments will be made for favorable and unfavorable differences between the subject unit and the comparables. The information on unassisted units will be updated by HCD/Subcontractor on an annual basis.

Low-Income Housing Tax Credits (LIHTCs) or HOME Units

Units receiving low-income housing tax credits (LIHTCs) or assistance under the HOME Investment Partnership (HOME) are considered to meet rent reasonableness if the unit rent does not exceed the greater of (1) the rent for other LIHTC or HOME assisted units in the project not occupied by families with tenant-based assistance, or (2) the appropriate payment standard for a unit of the same size.

PAYMENT STANDARD (24 CFR 982.503(b))

HCD establishes the payment standard for all areas served. The payment standards will be set at a minimum of 90% and a maximum of 110% of the HUD-published Fair Market Rents (FMR) for all counties, unless an exception payment standard has been approved by HUD.

MINIMUM RENT (24 CFR 5.630(a)(2)(3))

There will be a minimum tenant rent of \$50 for all participants. When a family requests a minimum rent hardship exemption, HCD/Subcontractor will promptly determine whether a qualifying hardship exists, and, if so, whether such hardship is temporary or long term. Based on this determination HCD/Subcontractor will take the appropriate action with regard to the application of a minimum rent payment.

HAP CONTRACT EXECUTION (24 CFR 982.305(c))

If contracts and/or related contract documents are not returned within 60 days of the effective date of the contract, the contract effective date may be modified to meet the 60 day requirement following receipt of all required documentation.

Prior to HAP contract execution, HCD/Subcontractor will ensure that the income information is not more than 120 days old for participants, or not more than 60 days old for new admissions.

OWNERSHIP DOCUMENTATION

Owners must provide their current address of residence or business. Owners must submit proof of ownership of the property and a Letter of Transfer of Authority, if a management agent manages the property. Owners must also submit a Payee Data Record (Std. 204) with their Tax Identification Number.

CHANGE IN OWNERSHIP

Prior written consent from HCD is required before assigning the HAP Contract to a new owner should a landlord elect to sell or transfer ownership of a property during the term of tenancy. If a landlord fails to obtain prior written consent, HCD is not required to execute a new HAP Contract with the new owner.

Upon written consent from HCD to assign the HAP Contract to the new owner, the new owner must sign a written agreement to be bound by and comply with the HAP Contract. In addition, the new owner is required to provide evidence of ownership and complete a Payee Data Record (Form 204).

Execution of a new HAP Contract with the new owner is only required under the following conditions:

- If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
- If there are any changes in lease provisions governing the term of the lease; or
- If the family moves to a new unit, even if the unit is in the same building or complex.

Please note: The HAP payments will continue to be sent to the original owner until the necessary documentation from the new owner is received and processed. Prior to the change of ownership being processed by HCD, any payments made to the previous owner will be the responsibility of the new owner to recover. In the interim, the original owner may submit an Authority of Transfer Form authorizing the payments be made to the new owner.

PROTECTING TENANTS AT FORECLOSURE ACT (PTFA)

The Protecting Tenants at Foreclosure Act (PTFA), which is Title VII of the Helping Families Save Their Homes Act of 2009, became effective May 20, 2009. This Federal law applies to State eviction proceedings and protects tenants from immediate eviction by persons or entities that became owners of residential property through the foreclosure process.

The PTFA Act requires that new owners who take possession of property through foreclosure to:

- Assume interest subject to the existing Section 8 voucher lease and the HAP Contract; and
- Permit tenants with leases to occupy the property until the end of their lease terms, except if the owner:
 - Will occupy the unit as a primary residence; or
 - Has provided the tenant with a minimum of a 90-day notice to vacate the unit.

HCD/Subcontractor will include in the Owner's Briefing packet a copy of a memo from the National Low-Income Housing Coalition (NLIHC) on Protections for Tenants in Foreclosed Properties which provides notification of PTFA requirements to interested parties.

HCD/Subcontractors will take the following actions when there is knowledge that a property is in foreclosure:

- Make all reasonable efforts to determine the status of the foreclosure and ownership of the property;
- Continue to make payments to the original owner until transfer of ownership is complete;
- Obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest;
- Inform the tenant that they must continue to pay rent in accordance with the lease, and if the successor in interest refuses to accept payment or cannot be identified, the tenant should pay the rent into escrow, because failure to pay rent may constitute an independent ground for eviction; and
- If HCD is unable to make HAP payments to the successor in interest due to:
 - 1) an action or inaction by the successor in interest that prevents HAP payments including the rejection of payments or failure to maintain the property in accordance with Housing Quality Standards (HQS); or 2) an inability to identify the successor, HCD/Subcontractor will inform the family of this and refer them to the local Legal Aid Office to ensure adequate protection of the tenant's rights.

Until the tenant protections under PTFA sunset on December 31, 2012, HCD/Subcontractor will make reasonable inquiries to determine whether a property in foreclosure will be or has been assisted under the Neighborhood Stabilization Program (NSP). In cases where the units have received assistance under NSP and HCD/Subcontractor is unable to make the HAP payments to the successor in interest, HCD may use the HAP payments for purposes including:

- Utilities that are the owner's responsibility under the lease; and/or
- The families moving costs, including security deposit costs.

In accordance with PTFA these protections related to foreclosure shall not preempt any State or local laws that provide additional protections for tenants.

LANDLORD FRAUD (24 CFR 982.453)

If a landlord has committed fraud or bribery or any other corrupt or criminal acts in connection with the HCV Program, HCD/Subcontractor may terminate the contract.

HCD may bar the landlord from participation in the HCV Program for breach of the HAP Contract. HCD will make every effort to recover any overpayments made as a result of landlord fraud or abuse.

Chapter 18 - ANNUAL REEXAMINATIONS, INTERIMS, ADJUSTMENTS AND OTHER ACTIONS

ANNUAL REEXAMINATIONS (24 CFR 982.516; 982.551(b))

Families will be notified in writing 90 to 120 days in advance of the scheduled effective date of the reexamination. HCD/Subcontractor will use the process outlined for determining participant income described in Chapter 10, Income Determination.

The reexamination will consist of the following:

- Verification of family income;
- Verification of family composition. If there is a change in family composition; the current and appropriate Occupancy Standard will be applied;
- Unit inspection, unless completed outside the annual reexamination process;
- Verification of rent reasonableness, if the landlord is requesting a rent increase; and
- Family and owner notification of changes in subsidy and tenant rent.

The head of household, and any additional adult living in the unit, must have a current Form HUD-9886, *Authorization for Release of Information/Privacy Act Notice*, on file any time verification of income is to be determined.

Families and owners must be notified in writing of the results of the reexamination and effective date of any changes. Families will be given a minimum of 30 days notice of increases in the tenant portion of the rent.

Families who fail to cooperate with HCD/Subcontractor in providing the necessary information may be terminated from the HCV Program.

INTERIM ADJUSTMENTS (24 CFR 982.516)

A participant may request an interim reexamination of family income/composition when changes have occurred since the last determination. HCD/Subcontractor will conduct a family-requested interim reexamination within 14 calendar days of the request. HCD/Subcontractor may conduct an interim reexamination when a participant household's income has increased.

If the family reports an increase in income and the increased amount is less than \$100 per month, an interim adjustment will not be processed. In this case, the family will be required to provide documentation of the change in income (i.e.,

pay stub, award letter, bank statement) and further verification will not be necessary. This processing threshold does not preclude families from reporting all changes in income.

WHEN INCOME CHANGES ARE NOT REPORTED IN A TIMELY MANNER

If the family does not report income increases in writing within 14 calendar days to HCD/Subcontractor, the 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 liable for any overpaid housing assistance and may be required to make a lump sum payment. Also, failure to report income increases, as required, may result in termination from the HCV Program.

CHANGES IN HOUSING ASSISTANCE PAYMENT

HCD/Subcontractor will notify the family and the owner of any change in the Housing Assistance Payment, according to the following guidelines:

- Increases in the tenant payment will be effective on the first of the month following at least 30 days notice of change to the tenant and the owner; or
- Decreases in the tenant payment are effective the first of the month following that in which the change is reported, except where requested documents are not returned timely by the tenant. In that case, decreases in the tenant payment are effective the first of the month following that in which the documents are received.

HCD/SUBCONTRACTOR CALCULATION ERRORS

If HCD makes a calculation error, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to the date of the last annual reexamination, or the date of admission if the participant has been in the HCV Program for less than a year.

Chapter 19 - HOUSING QUALITY STANDARDS & INSPECTIONS

HOUSING QUALITY STANDARDS GUIDELINES (24 CFR 982.401; 982.405)

No dwelling unit will be placed on the HCV Program unless Housing Quality Standards (HQS) are met. The units must continue to meet these standards as long as the family is on the HCV Program. HCD/Subcontractor adheres to the acceptability criteria in HCV Program regulations.

There are four types of inspections:

- Initial;
- Annual;
- Special; and
- Move-out: Move-out inspections will be completed within 15 working days. They are required for units leased prior to October 1995, and when requested by either the tenant or landlord for units leased after October 1995.

HCD/Subcontractor will provide the landlord and tenant with a copy of the Landlord/Tenant HQS Inspection Checklist to assist them in preparing for an HQS inspection.

ANNUAL INSPECTIONS

HCD/Subcontractor will inspect each assisted unit at least annually to determine if the unit is being maintained in a decent, safe, and sanitary condition, in accordance with HQS.

If an additional bedroom is approved for medical equipment through the Reasonable Accommodation process, the actual equipment in the extra bedroom should be verified during the annual inspection of the unit. If the extra bedroom is not being used for the intended purpose, HCD/Subcontractor will reduce the subsidy standard and corresponding payment standard at the family's next annual recertification. In addition, HCD/Subcontractor may take further action, if it believes any family obligations were violated.

REQUEST FOR SPECIAL UNIT INSPECTIONS (24 CFR 982.405(c))

A landlord/owner, tenant, or HCD/Subcontractor may request to have the tenant's unit inspected prior to the reexamination date for extenuating circumstances (i.e., fire damage, flooding) or for any suspected HQS violations.

HCD/Subcontractor will schedule the inspection within five working days of the request, weather permitting.

ELECTRICAL OUTLETS

HCD/Subcontractors conducting HQS inspections are responsible for determining if electrical outlets are in “proper operating condition.” The HQS regulations, found at 24 CFR 982.401, do not define “proper operating condition,” however Inspection Form HUD-52580-A provides examples of electrical hazards including:

- Broken wiring;
- Non-insulated wiring;
- Frayed wiring;
- Improper types of wiring, connections, or insulation;
- Wires lying in or located near standing water or other unsafe places;
- Light fixture hanging from electric wiring without other firm support or fixture;
- Missing cover plates on light switches and outlets;
- Badly cracked outlets;
- Exposed fuse box connections; or
- Overloaded circuits evidenced by frequently “blown” fuses.

The two basic types of outlets are: (1) two-pronged which are ungrounded; and (2) three-pronged which have an additional hole for a ground wire and are grounded. Generally, both types are acceptable under HQS, however “upgraded” outlets which have been changed from two-pronged to three-pronged can pose a problem if not properly installed.

“Upgraded” outlets are often found in older homes where the owner has replaced two-pronged outlets with three-pronged outlets to accommodate newer appliances. In older homes with three-pronged outlets, HUD recommends testing a sample of outlets in the unit to determine if the three-pronged outlets are in proper operating condition in addition to determining if the number of outlets meet the per room requirements.

HUD guidance on determining if outlets are in proper operating condition and meeting HQS requirements are as follows:

Two-Pronged, Ungrounded Outlets

Plug an appliance into the outlet. If the appliance turns on, the outlet is in proper operating condition.

Three-Pronged Outlets

Test the outlet with an outlet tester to determine if the outlet is properly grounded. If the tester indicates the outlet is not grounded, determine if a Ground Fault Circuit Interrupter (GFCI) protects the outlet.

Ground Fault Circuit Interrupters (GFCIs)

If an outlet contains a GFCI, the GFCI must be in proper operating condition. A GFCI is in proper operating condition if pressing the "TEST" button on the GFCI trips the circuit and shuts off power through the receptacle.

CLEARING DEFICIENCIES (24 CFR 982.404; 982.453)

For emergency deficiencies, HCD/Subcontractor will immediately contact the landlord/owner and/or tenant and advise them of their requirement to remedy or stabilize the deficiency within 24 hours. If immediate contact cannot be made, provide written notification of deficiency and requirement to remedy or stabilize within 24 hours and send via the same day's overnight mail. If contact is made, follow nonemergency landlord/owner and/or tenant written notification timeframe.

For nonemergency deficiencies, HCD/Subcontractor will send the landlord/owner and/or tenant written notification of deficiencies and timeframe for correcting the deficiencies within 48 hours or 2 business days of conducting the inspection.

The following time standards are provided as an appropriate response time for correcting HQS inspection items noted as "fail":

- Emergency items which endanger the family's health or safety must be corrected or stabilized within 24 hours of notification:
 - Waterlogged ceiling in imminent danger of falling
 - Major plumbing leaks or flooding
 - Natural gas leak or fumes
 - Electrical problem which could result in shock or fire
 - No heat when outside temperature is below 65° F
 - Utilities not in service
 - No running hot water
 - Broken glass where someone could be injured
 - Obstacle which prevents tenant's entrance or exit
 - Lack of functioning toilet
 - Smoke detector not working

- For non-emergency items, repairs must be made within 30 days;
- For non-emergency exterior repairs, extensions will be granted “weather permitting”; or
- For major repairs, the HAP Program Manager may approve an extension beyond 30 days.

HCD/Subcontractor may extend the time limit for extenuating circumstances. If after 30 days, the item has not been corrected or an extension has not been approved, the Housing Assistance Payment to the landlord will be abated until the repairs have been made, up to a maximum period of two months. After two months, if the repairs still have not been made, the HAP Contract will be cancelled and the family will be required to find another unit for continued assistance.

TENANT FAILS TO CORRECT HQS ITEMS (24 CFR 982.404(b))

If a dwelling unit fails HQS due to the tenant's actions and the tenant fails or refuses to correct the failed items within the time period specified above, resulting in the HAP Contract being terminated, the tenant may be terminated from the HCV Program.

VERIFICATION OF HQS REPAIRS

All deficiencies and/or failed items identified during an HQS inspection must be corrected within the time standards or extension periods identified above. HCD/Subcontractor will verify that corrections have been made by reinspecting the unit. In situations where it is not feasible to reinspect the unit timely or the violations are minimal and/or not considered serious violations, HCD/Subcontractor may accept a written certification from the owner and/or tenant that the corrections have been made in lieu of a reinspection.

Chapter 20 - FAMILY SELF-SUFFICIENCY PROGRAM

FAMILY SELF-SUFFICIENCY

HCD/Subcontractors administer a mandatory program for Family Self-Sufficiency (FSS) in Colusa, Glenn, and Trinity counties. FSS provides HCV participants an opportunity to become more self-sufficient by encouraging the development of participant's potential for employment. FSS offers a financial incentive that becomes available to the families upon successful completion of the program.

Program Requirements (24 CFR 984.201, 984.303, 984.304)

HCV participants in good standing that reside in Colusa, Glenn, and Trinity counties are eligible to participate in the FSS Program.

Eligible participants enter into a Contract of Participation, which incorporates the individual training and service plan(s) and consists of the principal terms and conditions governing participation in the FSS Program. Other requirements of the Contract of Participation include: 1) participants must be in compliance with the terms and conditions of their lease; and 2) the head of the FSS family is required to seek and maintain suitable employment.

HCD/Subcontractors for Colusa, Glenn, and Trinity counties have developed an Action Plan that outlines the FSS family selection procedures, outreach efforts, FSS activities and support services, and FSS Program termination procedures.

Escrow Accounts (24 CFR 305)

After the effective date of the Contract of Participation, an escrow credit calculation will be made at every annual and interim reexamination when there is earned income received by any adult member of the family. For families whose adjusted annual income exceeds the low-income limit, there will be no escrow credit. The family will not be eligible for escrow credits after the family has completed the Contract of Participation or when the contract is terminated or otherwise nullified.

Subcontractors will deposit all escrowed credits into a single depository account and will be supported in the Subcontractor's accounting records by a subsidiary ledger showing each FSS family's escrow balance. Accrued interest will be prorated and applied to each FSS family's escrow account only after the Subcontractor has verified the FSS family does not owe the property owner unpaid rent or other amounts due under the lease.

Subcontractors are required to report to each FSS family on the status of the family's escrow account at least once annually.

The final disbursement of the escrow account is paid to the head of the FSS family:

- When the Contract of Participation has been completed, or
- Whenever 30% of the family's monthly adjusted income equals or exceeds the existing housing FMR for the voucher size issued the family, and
- When, at contract completion, the head of the family certifies that the family has been welfare-free for a minimum of 12 months.

FSS Program Termination

FSS participants must remain in good standing to continue participation in the program. Participants may be terminated from FSS for the following reasons:

- Violations of the FSS Contract;
- Owes money to HCD and/or breaches an agreement to pay back amounts owed to HCD;
- Violations of Family Obligation and Responsibilities including lease violations; or
- Termination of HCV housing assistance.

Participants terminated from FSS are not eligible to receive any escrow funds. These escrow funds will be returned by the Subcontractor to HCD for deposit into the account from which it originated.

Minimum Program (24 CFR 984.105)

HCD/Subcontractor will continue to administer a FSS Program in accordance with the Federal regulations, but will limit program operations to meet only the minimum program requirements. Our goal is to reduce our program minimum size by FSS participants successfully completing their contracts.

Chapter 21 - VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA 2005) was signed into law January 5, 2006, as Public Law 109-162, with technical amendments signed into law August 12, 2006, as Public Law 109-271. On October 27, 2010 HUD published VAWA Conforming Amendments, Final Rule, which conforms its regulations to VAWA. VAWA protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. VAWA affects PHAs, tenants and owners.

In general, the law provides in part that 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, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The law also provides that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

VAWA Conforming Amendments, Final Rule, added the prohibition to deny assistance to otherwise qualified applicants on the basis of being a victim of domestic violence, dating violence, or stalking.

The PHA or owner may request an applicant/tenant claiming the protections under VAWA to provide documentation of the abuse within 14 business days of receipt of a written request from the PHA or owner. Acceptable forms of documentation are: 1) the "Certification of Domestic Violence, Dating Violence, or Stalking" form, HUD-50066; 2) Federal, State, tribal, territorial, or local police report or court record; or 3) documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional who can attest that the victim has sought assistance for domestic violence, dating violence, or stalking or the effects of abuse and the incident or incidents in question are bona fide incidents of abuse. If the applicant/tenant has not provided the requested documentation of abuse by the 14th business day or any extension of the date provided by the PHA, owner or manager, none of the protections afforded to victims of domestic violence, dating violence or stalking under the Section 8 or public housing programs apply.

When the PHA or owner receive conflicting certifications of abuse from two or more family members each claiming to be the victim and naming others as the perpetrator, the PHA or owner may require third-party documentation to determine the true victim.

VAWA protection is limited when a victim's continued assistance or tenancy poses an actual and imminent threat to other tenants or those employed at or providing service to the assisted property. The PHA or owner will only terminate assistance or tenancy of a victim of domestic violence, dating violence, or stalking when no other actions will reduce or eliminate the threat.

All information submitted as documentation of abuse is required to be kept confidential by the PHA and owner.

Any submitted documentation of abuse will be forwarded to HCD HAP Program Manager for review and consideration before any eviction or termination of assistance is acted upon.

HCD/Subcontractors will provide each applicant/tenant with information regarding their rights under VAWA by including the "VAWA Tenant Notification" form and "Certification of Domestic Violence, Dating Violence, or Stalking" form, HUD-50066, in each Tenant Briefing Packet (i.e., New Lease-Up and Annual Recertification Packets). In addition, HCD/Subcontractor will provide each owner with information regarding their responsibilities under VAWA by including the "VAWA Owner Notification" form in each Owner Briefing Packet.

Chapter 22 – LIMITED ENGLISH PROFICIENCY (LEP)

INTRODUCTION

Most individuals living in the United States read, write, speak, and understand English. However, there are many individuals for whom English is not their primary language. Language for Limited English Proficiency (LEP) individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally-funded programs and activities.

In accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 issued on August 11, 2000, HCD is committed to allowing access to its federally funded HCV/Section 8 and FSS programs regardless of race, color or national origin.

LEP GOALS

1. Ensure program benefits are not denied to otherwise eligible individuals because of a language barrier; and
2. Ensure all HCD HAP Staff and HCV/Section 8 Program Subcontractors are trained to properly address the special needs of LEP individuals.

PERSONS COVERED BY LEP PLAN

Persons who do not speak English as their primary language and who have a limited ability to read, write or understand English.

LEP LANGUAGE ACCESS PLAN

To address the special needs of LEP individuals in the HCV/Section 8 and FSS programs, HCD has prepared a LEP Language Access Plan and enacted the following framework of methods to ensure program benefits are accessible:

1. Completed a Four Factor Analysis;
2. Identified LEP Language Services Available;
3. Identified a Staff Training Plan;
4. Identified a Notification Plan; and
5. Identified an Evaluation Plan.

LEP LANGUAGE SERVICES AVAILABLE

Oral Language Services (Interpretation)

Written Language Services (Translation)

Language Services for American Sign Language

LEP NOTIFICATION/OUTREACH

HCD/Subcontractor will notify LEP individuals of the free language services that are available within their covered service areas by:

1. Posting signs in the HCV/Section 8 Program Office and/or including LEP notifications on all Outreach materials that state:

“If you do not read or understand spoken English you have the right to request assistance in the language you understand. We can help to identify resources to assist you or you may bring in someone to help”.
2. Providing the Language Identification Flashcard and LEP information to all program applicants during the application process and all program participants during the annual recertification process.

TRANSLATED FORMS

For HUD or other forms that have been translated into languages other than English, HCD/Subcontractors will have applicants/participants sign the English version of the form and attach a copy of the translated document to the signed English form. The English version of the form is the legally binding document.

All HCD/Subcontractor translated forms will carry a disclaimer similar to HUD's disclaimer: "This document is a translation of a HUD-issued legal document. HUD provides this translation to you merely as a convenience to assist in your understanding of your rights and obligations. The English language version of this document is the official, legal, controlling document. This translated document is not an official document."

Chapter 23 – SECTION 504 GRIEVANCE PROCEDURE

PURPOSE

The grievance procedure established herein shall address concerns regarding Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, as it applies to the Department of Housing and Community Development's (HCD) HCV (Section 8) programs, services and activities. The Grievance Procedure may be used to file a complaint concerning:

- Policies or the provision of services, activities, programs, or benefits provided by HAP Program Staff or Subcontractor Staff;
- Discrimination under Section 504 of the Rehabilitation Act of 1973; or
- Structural and parking accessibility issues at HCD/Subcontractor Offices.

COMPLAINT PROCEDURE AND FORMAT

The complaint should be in writing and contain information regarding the alleged discrimination, including the name, address, and phone number of grievant and location, date, and description of the alleged incident. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities, upon request.

COMPLAINT FILING

The grievant and/or his/her designee should submit the complaint as soon as possible, but no later than 60 calendar days after the alleged violation, to:

Janette Schaake, Section 504 Coordinator
Housing Assistance Program
Department of Housing and Community Development
1800 Third Street, Room 390
Sacramento, CA 95811
(Voice) 916-327-8258; (Fax) 916-323-6016
California Relay Service 711; Speech to Speech Relay (800) 854-7784
Email: jschaake@hcd.ca.gov

COMPLAINT REVIEW

Within 15 calendar days after receipt of the complaint, the Section 504 Coordinator will meet/contact the grievant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting/contact, the Section 504 Coordinator will respond in writing, and where appropriate, in a format accessible to the grievant, such as large print or audio tape. The response will explain the position of HCD and offer options for substantive resolution of the complaint.

COMPLAINT APPEAL PROCESS

If the response by the Section 504 Coordinator does not satisfactorily resolve the issue, the grievant and/or his/her designee may appeal the decision of the Section 504 Coordinator within 14 calendar days after receipt of the response to the HCD Hearing Officer or his/her designee. Appeals should be submitted to:

Tracey Withrow, Program Manager
Housing Assistance Program
Department of Housing and Community Development
1800 Third Street, Room 390
Sacramento, CA 95811
(Voice) 916-322-0643; (Fax) 916-323-6016
California Relay Service 711; Speech to Speech Relay (800) 854-7784
Email: twithrow@hcd.ca.gov

Within 15 calendar days after receipt of the appeal, the HCD Hearing Officer or his/her designee will meet/contact the grievant (in person or by telephone) to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting/contact, the HCD Hearing Officer or his/her designee will respond in writing, and where appropriate, in a format accessible to the grievant, with a final resolution of the complaint.

COMPLAINT RETENTION

All written complaints received by the Section 504 Coordinator, appeals to the HCD Hearing Officer or his/her designee, and responses from the Section 504 Coordinator and HCD Hearing Officer or his/her designee will be kept by HCD for at least three years.

Chapter 24 - COMMUNICATION POLICY

PURPOSE

To provide Staff and its Subcontractor Staff administering the HCV (Section 8) and FSS Programs with the resources for effectively communicating with applicants and/or participants who are deaf or hard of hearing, or who have speech impairments. This will provide consistency in call handling of Teletypewriter/Telecommunications Device for the Deaf (TTY/TDD) calls and improve service to TTY/TDD callers.

POLICY

HAP Program and Subcontractor Staff encountering applicants and/or participants who are deaf or hard of hearing will take all appropriate steps to ensure they communicate effectively with these individuals. Staff will give primary consideration to the type of communication aid requested by the person who is deaf or hard of hearing unless there is an equally effective means of communication available.

INFORMATION

The ability to establish contact with HCD HAP or Subcontractor Staff through TDD equipment and/or the availability of interpreter resources is communicated to applicants and/or participants through our Tenant Briefing packet, Annual Recertification packet, and/or on printed letters/forms/publications

There are several ways of communicating effectively with people who are deaf or hard of hearing. In some instances, a qualified sign language or oral interpreter is required to assist with communication. In other circumstances, use of gestures or visual aids to supplement speech, an exchange of written notes, use of computer or typewriter, or the use of assistive listening devices (to amplify sound for people who are hard of hearing) will be effective. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.

PROCEDURE

1. Recognizing and Accepting Calls from a TTY/TDD Machine
 - a. When a hearing impaired person using a TTY/TDD calls, the call may be recognized by:
 - A warbling or chirping sound when the caller presses the space bar.
 - The caller ID indicating the caller is deaf.
 - A voice activated TTY/TDD announcer indicating the caller is using a TTY or TDD machine.
 - Silence – any silent call should be treated as a potential TTY/TDD call.
 - b. When the call is a TTY or TDD call, the recipient must transfer the call to the TTY/TDD machine in the following manner:
 - Transfer the call from the desk line number to the TTY/TDD line number using the same process as any call being transferred.
 - Keep background noise to a minimum. The TTY/TDD machine may interpret background noise as communication and distort the message.
 - Turn on the TTY/TDD machine.
 - Hit the control key and the number “4”. This sends a greeting specific to the receiving location.
 - Handle the call using the TTY/TDD keyboard.
 - Obtain the caller’s location, TTY/TDD callback number, and name.
 - Once the call is complete, turn off the TTY/TDD machine.
 - c. When a hearing impaired person using a TTY/TDD dials the direct TTY/TDD line number, the “ring” light on the machine will flash to indicate an incoming call. Turn the TTY/TDD machine on and follow the same procedure as outlined above.
2. TTY/TDD Etiquette – HCD HAP and Subcontractor staff shall use proper TTY/TDD etiquette/protocol while communicating using a TTY/TDD. Proper etiquette or protocol is as follows:
 - a. It is extremely important to type the term GA when you are through with your statement and want a response from the person on the other end of the line. The term GA means go ahead, it’s your turn to talk.
 - b. Tone of voice is not transmitted on a TTY/TDD, so it is necessary to type the letter Q (or QQ) when asking a question (plus GA to request a response).

- c. When getting ready to end the conversation, a caller may type GASK, which means I am through, do you have anything else to say?
 - d. SKSK means, bye, I am hanging up now.
3. Sign Language and Oral Interpreters for People who are Deaf or Hard of Hearing

If HCD or Subcontractor staff has reason to believe that an applicant and/or participant with whom they are attempting to communicate has a hearing impairment, the staff will:

- a. Determine whether the applicant and/or participant has a hearing impairment.
 - b. Notify the applicant and/or participant through the use of auxiliary aids (pen and paper) that a qualified sign language or oral interpreter will be provided at no charge, if desired.
 - If the applicant and/or participant requests a qualified sign language interpreter, determine whether the individual uses American Sign Language (ASL) or Signed English (SE) to communicate and refer to HCD's Sign Language Services Directory.
 - Face the deaf or hard of hearing individual and do not turn away while speaking. Do not cover your mouth while talking to the individual. Only one person should speak at a time and it may be necessary to speak more slowly.
4. California Relay Services

There are three ways to dial a California Relay Service (CRS) operator:

- a. Dial 711 from any telephone
- b. Dial the Deaf and Disabled Telecommunications Program (DDTP) dedicated toll-free numbers
 - TTY English (800) 735-2929; TTY Spanish (800) 955-3000
 - Voice-Including Voice Carryover (VCO) and Hearing Carryover (HCO) English (800) 735-2922; Spanish (800) 855-3000
 - Speech to Speech (800) 854-7784
- c. Dial the CRS providers' number. There are three CRS providers, please select: GoAmerica; Nordia; Sprint

5. Foreign Language Interpreters

When HCD or Subcontractor staff is contacted by an individual in need of a foreign language interpreter, refer to the HCD Language Directory or Subcontractor Language Directory, if any, for assistance.

Chapter 25 - DENIAL/TERMINATION OF ASSISTANCE

DISCRETION TO DENY OR TERMINATE ASSISTANCE (24 CFR 982.552(c)(2))

The HAP Program Manager or designee will decide whether to deny or terminate assistance because of action or failure to act by members of the family. In making this decision, the HAP Program Manager or designee will analyze the reasons that the household has acted or failed to act in a way that does not comply with program requirements. The HAP Program Manager or designee will consider all of the circumstances in each case, including the seriousness of the case and the extent of participation or culpability of individual family members. HCD/Subcontractor may also review the family's more recent history and 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. Determinations will be based on credible evidence and/or the preponderance of evidence provided.

HCD 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. HCD may permit the other members of the family to continue in the program.

DURATION OF DENIAL/TERMINATION OF ASSISTANCE

Unless otherwise stated, denial or termination of assistance for cause shall be applicable for **three years** from the date of denial/termination by HCD/Subcontractor.

GROUNDINGS FOR DENIAL OF ASSISTANCE OR TERMINATION (24 CFR 982.552(a)(b)&(c))

Assistance may be denied to an applicant or terminated for a participant because of the household's actions or failure to act. This includes:

1. Drug-related Criminal Activity, Violent Criminal Activity, or Other Criminal Activity

No member of the household can currently be engaging in, or have engaged during the previous 12 months, in any drug-related criminal activity, any violent criminal activity, or any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

2. Evictions

Assistance will be denied or terminated for households/individuals who are evicted:

- a. From federally-assisted housing in the most recent five year period.
- b. For drug-related criminal activity or alcohol abuse.
- c. Families that have been evicted from Public Housing or by HCV owners for engaging in drug-related criminal activity or alcohol abuse will be denied admission for three years. However, if the person demonstrates a successful completion of a rehabilitation program and/or demonstrates that the circumstances leading to the eviction no longer exists, this requirement may be waived with prior approval from HCD.
- d. Due to a serious or repeated violation of the lease including but not limited to failure to pay rent or other amounts due under the lease, or repeated violations of the terms and conditions of the lease which significantly affect the landlord's property and/or economic benefit.

3. Failure to Comply with Family Self-Sufficiency Contract

Assistance may be terminated if the family is a FSS participant and fails to comply, without good cause, with the FSS Contract of Participation.

4. Failure to Provide Consent

Assistance will be denied to applicants or terminated for participants if any member of the household fails to sign and submit consent forms for obtaining eligibility factor verifications and/or information required by Federal regulations.

5. Failure to Return Requested Items

Requested items are to be provided within the designated timeframe. HCD/Subcontractor will make two attempts to obtain requested items.

The applicant/participant failure to comply with HCD/Subcontractor request after two attempts may result in denial/termination of assistance.

6. Family Obligation Violations

HCD may terminate assistance for any violation of the Family Obligations and Responsibilities. HCD will not assist a family whose assistance was terminated due to any Family Obligation and Responsibilities violation under the HCV Program for three years from the date of termination.

7. Fraud/Bribery/Other Criminal Activity (24 CFR 982.551(k))

Individuals committing fraud, bribery, or other corrupt or criminal acts in connection with any Federal housing program, including attempted or threatened physical force against the person or property of HCD/Subcontractor or employees of HCD/Subcontractor, shall be denied assistance, including application for assistance, for a period of three years.

8. Interest in Unit

The family must not own or have any interest in the unit.

9. Manufacturing/Producing Methamphetamine (24 CFR 982.553(a)(ii)(C))

Admission to/Participation in the HCV Program is immediately and permanently denied to individuals convicted of manufacturing or producing methamphetamine in violation of any Federal, State or local law.

10. Non-Citizenship/Ineligible Immigration Status

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 an informal review.

Non-Citizen Students. Defined by HUD in the non-citizen regulations are not eligible for assistance.

11. Other Housing Subsidy

An assisted family, or members of the family, may not receive HCV assistance while receiving another housing subsidy (i.e., public or Indian housing assistance, Section 8 project-based assistance, Section 23 leased housing, etc...), for the same unit or for a different unit.

12. Outstanding Debt/Debts Owed to PHAs/Adverse Termination

Prior to admission, the family may not have any outstanding debt owed HCD or any other PHA on any previous tenancy for Public Housing or HCV. No Repayment Agreement (between any PHA and the tenant) will be accepted. The family must repay in full any amount owed to be considered eligible for admission.

Admission to the program will be denied to families with recorded debts owed and/or adverse terminations in the EIV Debts Owed to PHAs and Termination database.

13. Preference Status

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list and/or terminated from the HCV Program.

14. Sex Offender Status

No member of the household can be subject to a lifetime registration requirement under any State Sex Offender Registration Program.

Chapter 26 - REPAYMENT AGREEMENTS

REPAYMENT AGREEMENTS (24 CFR 982.552(c)(vii))

A Repayment Agreement is a document entered into between HCD and a person who owes a debt to HCD. It contains the terms under which HCD will allow a family to continue receiving assistance, in lieu of termination, when an error or mistake in reporting income has caused an overpayment in Housing Assistance Payments paid by HCD. The Repayment Agreement includes the amount owed, a schedule of payments due, special conditions and/or provisions, and the remedies available to HCD upon default of the Repayment Agreement. HCD will not enter into more than one Repayment Agreement at a time with the same family.

Payment Amount and Term

At the sole discretion of the HCD Program Manager, a Repayment Agreement may or may not be considered appropriate depending upon reason for the overpayment (i.e., fraud, oversight), the amount owed (time and extent of the unreported income), the ability of the participant to pay (payments should not exceed 10% of annual income before adjustments), and/or other pertinent information.

Typically, the maximum overpayment considered appropriate for a Repayment Agreement will not exceed \$3,000, unless the HCD Program Manager determines the overpayment was incurred due to circumstances beyond the control of the family. Repayment terms shall be established within the following guidelines:

- Amounts between \$2,001 and \$3,000 must be repaid within 36 months;
- Amounts between \$901 and \$2,000 must be repaid within 24 months;
- Amounts between \$451 and \$900 must be repaid within 12 months;
- Amounts of \$450 or less must be repaid within 6 months; and
- The minimum amount of a monthly payment for any Repayment Agreement is \$25.00.

Late Payments

A payment will be considered to be in arrears if the payment is not received by the close of the business day on the date the payment was due. If the payment due date is on a weekend or holiday, the payment due date will be at the close of

the next business day. HCD may grant an extension for extenuating circumstances.

If the family's Repayment Agreement is in arrears three times during the term of the agreement, HCD, after review of the circumstances leading to the nonpayment, may:

- Require the family to pay the balance in full;
- Pursue civil collection of the balance due; and/or
- Terminate the housing assistance.

Chapter 27 - INFORMAL REVIEW/HEARING

INFORMAL REVIEW FOR APPLICANTS (24 CFR 982.554)

An applicant who has been denied assistance or accommodation and wishes to dispute the decision must provide a written request to HCD/Subcontractor for an informal review. The written request must be delivered in person or received within 14 calendar working days from the date of notification that assistance or accommodation was denied, and must state the reason(s) the applicant believes there should be an informal review of the decision to deny assistance or accommodation.

HCD/Subcontractor shall arrange an informal review and notify the applicant within 14 calendar days from the date the request was received. The informal review shall be conducted by a HCD/Subcontractor Staff other than the person who made or approved the decision under review or a subordinate of this person. The informal review may be conducted in the area where the family applied for assistance, in writing, or by telephone, as determined appropriate by HCD/Subcontractor. A final decision shall be rendered within 15 working days after the informal review.

Reviews conducted in person or by phone shall be tape-recorded by HCD, and may be tape-recorded by the applicant. The HCD recording shall only be transcribed, at the sole discretion of HCD/Subcontractor, when HCD/Subcontractor considers it necessary. HCD tape recordings shall be maintained for one year from the date of the review. HCD/Subcontractor shall identify the date, time, and principal attendees for the record. HCD/Subcontractor may determine relevance of information or testimony, may limit the length of presentations, and may reject threatening or abusive persons from the review. HCD/Subcontractor may request additional evidence, proof, or documentation from the family at the time of the review. HCD/Subcontractor shall specify a reasonable timeframe for the family to respond, after which no additional information shall be considered.

WHEN INFORMAL REVIEWS ARE REQUIRED

HCD must provide applicants with the opportunity for an informal review of decisions denying:

- Qualification for any preference category;
- Listing on HCD/Subcontractor waiting list;
- Issuance of a voucher;
- Participation in the HCV Program; and
- Reasonable Accommodation.

WHEN INFORMAL REVIEWS ARE NOT REQUIRED (24 CFR 982.554(c))

Informal reviews are not required for established policies, procedures, and determinations, such as:

- Discretionary administrative determinations by HCD/Subcontractor;
- General policy issues or class grievances;
- A determination of the family unit size under HCD/Subcontractor subsidy standards;
- Refusal to extend or suspend a voucher;
- Disapproval of lease;
- Determination that unit is not in compliance with HQS; and
- Determination that unit is not in accordance with HQS due to family size or composition.

INFORMAL HEARINGS FOR PARTICIPANTS (24 CFR 982.555)

HCD must provide participants with the opportunity for an informal hearing for decisions related to any of the following HCD determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment;
- Appropriate utility allowance used from schedule;
- Family unit size determination under HCD subsidy standards;
- Determination to terminate assistance for any reason;
- Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account;
- Determination not to reduce a family's portion of rent because of: 1) family's noncompliance with welfare requirements; or 2) welfare fraud; and
- Denial of a request for reasonable accommodation.

A participant seeking an informal hearing for any of the above must provide a written request to HCD . The written request must be delivered in person or received within 14 calendar days from the date the tenant was notified of the disputed action, and must state the reason(s) the participant believes there should be a reconsideration (informal hearing) of the proposed or stated action by HCD/Subcontractor.

HCD shall designate the Branch Chief that oversees the duties of the HAP Program Manager, or the Branch Chief's designee, as the Hearing Officer. This individual shall not have had any input into the Department's original decision to take action. The role of the Hearing Officer is to determine whether or not the action taken was in accordance with Federal regulations and PHA policy. The decision by the Hearing Officer shall be final and no further informal appeal shall be available from HCD. However, the participant may elect to pursue further remedy independently from HCD.

HCD shall schedule a date for an informal hearing and notify the participant and Subcontractor within 14 calendar days from the date the request was received. The hearing may be conducted at HCD's designated site or by telephone, as determined appropriate by HCD. A final decision shall be rendered within 15 working days after the informal hearing.

WHEN INFORMAL HEARINGS ARE NOT REQUIRED (24 CFR 982.555(b))

Informal hearings are not required for established policies, procedures and determinations, such as:

- Discretionary administrative determinations by the PHA;
- General policy issues or class grievances;
- Establishment of the HCD schedule of utility allowances for families in the Program;
- An HCD determination not to approve an extension of a voucher;
- An HCD determination not to approve a unit or lease;
- An HCD determination that an assisted unit is not in compliance with HQS (HCD must provide a hearing for family breach of HQS because that is a family obligation determination);
- An HCD determination that the unit is not in accordance with HQS because of the family size; and
- An HCD determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.

FAMILY'S RIGHT TO DISCOVERY (24 CFR 982.555(e)(2))

The family's right to discovery is stated in the Federal regulations (Section 982.555). HCD also elects to establish its right to discovery. Prior to the informal hearing date, the family must provide to HCD/Subcontractor, any family documents that are directly relevant to the hearing and that the family intends to introduce at the informal hearing. HCD/Subcontractor shall be given an opportunity to examine and to copy any such document(s) at HCD/Subcontractor expense. If the family does not make the document available for examination, the family may not rely on the document at the informal hearing.

The Hearing Officer shall conduct the hearing. The hearing shall be tape recorded by HCD, and may be tape recorded by the participant. The HCD recording shall only be transcribed, at the sole discretion of HCD, when HCD considers it necessary. HCD tape recordings shall be maintained for one year from the date of the hearing. The Hearing Officer shall identify the date, time, and principal attendees for the record. The Hearing Officer may determine relevance of information or testimony, may limit the length of presentations, and may reject threatening or abusive persons from the hearing. The Hearing Officer

may request additional evidence, proof, or documentation from the family at the time of the hearing. The Hearing Officer shall specify a reasonable timeframe for the family to respond, after which no additional information shall be considered.

Chapter 28 - TERMINOLOGY

Abuse of Alcohol: When it is determined that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Adjusted Income: Annual income, less allowable HUD deductions.

Credible Evidence: is defined as documentation available through law enforcement agencies or officials, documentation available through the judicial system, written witness accounts in conjunction with reliable documentation from other credible evidence.

Disabled Person: Referred to as a Person with a Disability. A person having a physical or mental 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 such ability could be improved by more suitable housing conditions.

Domestic Violence: Actual or threatened violence by a member of a household directed at him/herself or another member of his/her household.

Drug-related Criminal Activity: The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

Earned Income Verification (EIV):

Elderly Person: A person who is at least 62 years old.

Failure to Provide: Refers to all requirements in the first Family Obligations and Responsibilities.

Family: Used interchangeably with "Applicant" or "Participant" or "Household". Can refer to a single person family.

Family Self-Sufficiency (FSS) Program: The program established by a PHA to promote self-sufficiency of assisted families, including the provision of supportive services.

Group of Persons: A group of persons may be:

- Two or more persons 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 elderly or disabled person living with one or more live-in aides is a 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.

Housing Quality Standards (HQS): The HUD minimum quality standards for housing assisted under the HCV program.

Imputed Welfare Income: The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Income: Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Landlord: Used interchangeably with "owner". 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.

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; and (3) would not be living in the unit except to provide necessary supportive services.

Low-Income Family: A family whose annual income does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Minor: A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

Mixed Family: A family including citizens or eligible immigrants and members without citizenship or eligible immigration status.

Occupancy Standards: Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and composition.

Owner: Any persons or entity having the legal right to lease or sublease housing.

Participant: A family that has been admitted to the HCV program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (First day of initial lease term).

Payment Standard: The amount used to calculate the housing assistance a family will receive in the PHA's HCV Program.

Portability: Portability is a term used to describe a family's ability to rent a dwelling unit outside the jurisdiction of the initial PHA and receive HCV tenant-based assistance.

Preponderance of Evidence, as quoted from Black's Law Dictionary, is "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."

Public Housing Agency (PHA): A State, county, municipality, or other governmental entity or public body authorized to administer the programs.

Recertification: Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

Sex Offender: A person subject to a lifetime registration requirement under any State Sex Offender Registration Program.

Single Person: A person living alone or intending to live alone.

Spouse: The husband or wife of the head of the household.

Standard Permanent Replacement Housing: Is decent, safe, sanitary housing of adequate size occupied by a family under a lease or occupancy agreement. Standard Permanent Replacement Housing does not include transient facilities, such as motels, hotels, or temporary shelters for homeless families or victims of domestic violence.

Tenant: Used to refer to participants in terms of their relationship to landlords.

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: Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone services is not included as a utility.

Violent Criminal Activity: Includes any felonious criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property of another.

Waiting List: A list of families organized according to HUD regulations and PHA policy who 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 Assistance (FSS Only): Income assistance from Federal or State programs, and includes only cash maintenance payments designed to meet a family's ongoing basic needs.

Chapter 29 - ACRONYMS

ASL: American Sign Language

CD: Compact Disk

CFR: Code of Federal Regulations

CMLW: California Megan's Law Website

COLA: Cost-of-Living Adjustment

CRS: California Relay Service

CSPC: Central Sierra Planning Council

DDTP: Deaf and Disabled Telecommunications Program

DMV: Department of Motor Vehicles

EIV: Enterprise Income Verification

FMR: Fair Market Rent

FSS: Family Self-Sufficiency

GCHRA: Glenn County Human Resource Agency

GNC: Great Northern Corporation

HAP: Housing Assistance Payment

HAP: Housing Assistance Program

HCD: Department of Housing and Community Development

HCO: Hearing Carryover

HCV: Housing Choice Voucher

HOME: HOME Investment Partnership

HQS: Housing Quality Standards

HUD: Department of Housing and Urban Development

I.D.: Identification

IMACA: Inyo/Mono Advocates for Community Action

IRS: Internal Revenue Service

IT: Information Technology

LEP: Limited English Proficiency

LIHTC: Low-Income Housing Tax Credits

NSOPW: Dru Sjodin National Sex Offender Public Website

PHA: Public Housing Agency

SE: Signed English

SS: Social Security

SSA: Social Security Administration

SSI: Supplemental Security Income

SWA: State Workforce Agency

UIV: Upfront Income Verification

TANF: Temporary Assistance for Needy Families

TIF: Tenant Information Form

TTP: Total Tenant Payment

TTY/TDD: Teletypewriter/Telecommunications Device for the Deaf

U. S.: United States

VA: Department of Veteran's Affairs

VAWA: Violence Against Women Act

VCO: Voice-Including Voice Carryover

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