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**MEMORANDUM COMMUNITY AND NEIGHBORHOOD SERVICES DEPARTMENT
HHSC MEMO NO. HD 16-09**

DATE: APRIL 11, 2016

TO: PUBLIC HOUSING AUTHORITY COMMISSION

THRU: MARSHA REED, ACTING CITY MANAGER *MR*
NACHIE MARQUEZ, ASSISTANT CITY MANAGER *NM*
LEAH POWELL, ACTING HOUSING AND REDEVELOPMENT MANAGER *LP*

FROM: LORRAINE TROW, HOUSING ADMINISTRATIVE SUPERVISOR *LT*

SUBJECT: RESOLUTION NO. HO123 APPROVING THE SUBMISSION OF THE CITY OF CHANDLER HOUSING AND REDEVELOPMENT ANNUAL AND FIVE-YEAR PLAN FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND CERTIFYING TO COMPLIANCE WITH THE RELATED REGULATIONS

RECOMMENDATION: Staff and the Housing and Human Services Commission (HHSC) members recommend to the Public Housing Authority Commission adoption of Resolution No. HO123 approving the submission of the City of Chandler Housing and Redevelopment Annual and Five-Year Plan for the fiscal year beginning July 1, 2016 and certifying to compliance with the related regulations.

BACKGROUND: The City's Housing and Redevelopment Division (the Public Housing Agency or PHA) administers 303 units of Low Rent Public Housing and 486 Housing Choice Vouchers (formerly known as Section 8).

Each year, the PHA is required to submit an Annual Plan to the U.S. Department of Housing and Urban Development (HUD) by April 17th for its housing programs. The Annual Plan is a comprehensive guide to the PHA policies, programs, operations and strategies for meeting local housing needs and goals.

Each fifth fiscal year, the PHA must submit a new Five-Year Housing and Capital Plan. The Five-Year Plan is a longer term strategy laying out the PHA plans for the next five year period. The next Five-Year Plan will be due on April of 2020.

DISCUSSION: The purpose of this memorandum is to present to the Public Housing Authority Commission the Annual Plan for fiscal year beginning July 1, 2016.

In October of 2015, staff began the preliminary process of reviewing and updating the annual plan in consultation with HUD, the Tenant Community Builders (Resident Council), the Resident Advisory Board, Public Housing residents and interested members of the public. From January 9, 2016 to February 22, 2016, the housing residents and interested members of the public had an opportunity to submit their written comments. Additionally, a public hearing was held on February 23, 2016 to hear citizen comments. All comments received from the public hearing, and during the 45-day comment period, are noted as a part of the Annual and Five-Year Plan process in section C.3 of the attached HUD-50075-HP Streamlined Annual PHA Plan.

The elements outlined below are proposed annual plan changes required by HUD and requested by staff. These proposed changes to policies were discussed with the HHSC on November 4, 2015, January 20, 2016, and March 16, 2016. They are as follows:

Housing Choice Voucher

Administrative Plan

The bulk of this year's revision to the Administrative Plan, as illustrated in Attachment A, comes in the form of changes to portability policy set forth in the streamlining portability final rule. These changes cover all aspects of portability, from definitions, briefing requirements, and suspensions, to the portability process itself, among others. In addition to revisions concerning updated portability requirements, other modifications include: Updates to the Violence Against Women Act policy, removal of references to the certificate program, removal of outdated or expired guidance and references, the definition of tuition was amended in the final rule on eligibility of students for assisted housing, and minor modifications and clarifications were also made to bring the content current with HUD regulations and guidance.

Housing Choice Voucher and Public Housing

Both plans, as illustrated in Attachment A and B, were amended to include regulations to exclude the use of arrest record in housing decisions for denying admission, terminating assistance or evicting tenants. Also, staff is recommending the review period of time of past records for drug-related activity and other permitted reasons for denial assistance for criminal activity change from five years to three years.

Utility Allowances

The utility allowance is the amount that a housing authority determines is necessary to cover the resident's reasonable utility costs. The utility allowance schedules are reviewed annually for both housing programs and are recommended for adjustment when a cumulative change of 10% or more occurs. Prior to beginning this update, a consultant was hired to do a comparison of the existing utility rates and charges and Housing's current utility rate schedules in the Housing Choice Voucher and Public Housing programs.

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In both the Housing Choice Voucher program and Public Housing program, the comparisons indicated that Arizona Public Service monthly charges remained the same, but the winter and summer rates decreased up to 6%. Salt River Project's monthly charges increased up to 18% and their rates for summer increased and winter rates decreased. Southwest Gas Corporation's gas rates decreased. The City of Chandler water rates remained the same, sewer rates increased 9% for both single-family and multi-family, and the trash collection charges increased 6%. Since the utility provider's cumulative rates changed by more than 10%, the utility allowances are proposed to be adjusted.

FINANCIAL IMPLICATIONS: HUD funds the costs associated with the Public Housing and Housing Choice Voucher Programs.

PROPOSED MOTION: Move to adopt Resolution No. HO123 of the Public Housing Authority Commission of the City of Chandler, Arizona, approving the submission of the City of Chandler Housing and Redevelopment Annual Plan and Five-Year Plan for the fiscal year beginning July 1, 2016, and certifying to compliance with the related regulations.

Attachments: Resolution No. HO123
HUD-50075-HP Streamlined Annual PHA Plan
Attachment A: Administrative Plan
Attachment B: Admissions and Continued Occupancy Policy
Attachment C: Progress Report
Attachment D: Resident Advisory Board Comments
Attachment E: HUD Approved 5-Year Capital Fund Action Plan

RESOLUTION NO. HO123

A RESOLUTION OF THE PUBLIC HOUSING AUTHORITY COMMISSION OF THE CITY OF CHANDLER, ARIZONA, APPROVING THE SUBMISSION OF THE CITY OF CHANDLER HOUSING AND REDEVELOPMENT ANNUAL AND FIVE-YEAR PLAN FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND CERTIFYING TO COMPLIANCE WITH THE RELATED REGULATIONS

WHEREAS, pursuant to Section 511 of the Quality Housing and Work Responsibility Act of 1998 and 1999 Fiscal Year HUD Appropriations Act, all Public Housing Authorities must adopt and submit to the United States Department of Housing and Urban Development (HUD), an Annual and Five-Year Plan (Agency Plan) effecting the overall operations, management and mission of the federally funded Housing Programs; and

WHEREAS, the City of Chandler Housing and Redevelopment Division has developed the attached Agency Plan for submittal to HUD;

WHEREAS, the Agency Plan developed incorporates the attached Public Housing and Housing Choice Voucher Program policies and lease forms utilized to implement the City of Chandler Housing Program; and

WHEREAS, the City of Chandler has chosen to incorporate the Capital Fund process into the Annual Plan approval process and authorizes the submission of the 2016 Capital Fund annual, updated Five-Year Action Plan and supporting certifications.

WHEREAS, the Public Housing Authority Commission of the City of Chandler is the entity charged with approving the Agency Plan and authorizing the submittal of that plan to HUD for approval.

NOW, THEREFORE, BE IT RESOLVED, by the Public Housing Authority Commission of the City of Chandler as follows:

Section 1. That the Agency Plan, in the form attached hereto, as well as the documents incorporated therein, are hereby approved.

Section 2. That the City of Chandler Housing and Redevelopment Division be directed to submit the Agency Plan and Capital Plan approved herein to HUD.

Section 3. That the staff of the City of Chandler Housing and Redevelopment Division be directed to perform all acts necessary to give effect to this Resolution, including, without limitation, providing any required certification of compliance with applicable regulations.

PASSED AND ADOPTED by the Public Housing Authority Commission of the City of Chandler, Arizona, this ____ day of _____, 2016.

ATTEST:

CITY CLERK

JAY TIBSHRAENY, CHAIRMAN

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. **HO123** was duly passed and adopted by the Public Housing Authority Commission of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2016, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CRB

Streamlined Annual PHA Plan <i>(High Performer PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 02/29/2016
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

PHA Information

A.1 **PHA Name:** City of Chandler Housing and Redevelopment Division **PHA Code:** AZ028
PHA Type: Small High Performer
PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/01/2016
PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)
Number of Public Housing (PH) Units 303 **Number of Housing Choice Vouchers (HCVs)** 486
Total Combined 789
PHA Plan Submission Type: Annual Submission Revised Annual Submission

Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)

Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
				PH	HCV
Lead PHA:					

B.1 Revision of PHA Plan Elements.

(a) Have the following PHA Plan elements been revised by the PHA since its last **Annual PHA Plan** submission?

- Y N
- Statement of Housing Needs and Strategy for Addressing Housing Needs.
 - Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
 - Financial Resources.
 - Rent Determination.
 - Homeownership Programs.
 - Safety and Crime Prevention.
 - Pet Policy.
 - Substantial Deviation.
 - Significant Amendment/Modification

(b) The PHA must submit its Deconcentration Policy for Field Office Review.
The Deconcentration Policy is incorporated in the Admissions and Continued policy in chapter 4 and 12 as illustrated in Attachment B.

(c) If the PHA answered yes for any element, describe the revisions for each element below: **Two indicators listed above were revised. They are as follows:**

Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions

The Administrative Plan and the Admissions and Continued Policy were both revised for the following reasons:

Administrative Plan

The bulk of this year's revision to the Administrative Plan, as illustrated in Attachment A, comes in the form of changes to portability policy set forth in the streamlining portability final rule. These changes cover all aspects of portability, from definitions, briefing requirements, and suspensions, to the portability process itself, among others. In addition to revisions concerning updated portability requirements, other modifications include: Updates to the Violence Against Women Act policy, removal of references to the certificate program, removal of outdated or expired guidance and references, the definition of tuition was amended in the final rule on eligibility of students for assisted housing and minor modifications and clarifications were also made to bring the content current with HUD regulations and guidance.

Administrative Plan and Admission & Continued Occupancy Policy

Both plans, as illustrated in Attachment A and B, were amended to include regulations to exclude the use of arrest record in housing decisions for denying admission, terminating assistance or evicting tenants. Also, the review period of time of past records for drug-related activity and other permitted reasons for denial assistance for criminal activity change from five years to three years.

Financial Resources

The statement of financial resources are as follows:

Source	Planned \$	Planned Use
1. Federal Grants (FY2010 grants)		
a)Public Housing Operating Fund	\$ 1,160,000	
b)Public Housing Capital Fund	\$ 400,000	
c)Annual Contributions for Section 8 Tenant-Based Assistance	\$ 4,570,000	
d)Community Development Block Grant	\$ 136,496	Public Housing playground
2. Prior year Federal Grants (unobligated funds only)		
Capital Fund	\$ 700,000	Public Housing capital improvements
3. Public Housing Dwelling Rental Income		
	\$ 800,000	Public Housing operations
4. Non-Federal Sources		
City General Fund	\$ 285,000	Section 8 and Public Housing operations
Total Resources	\$ 8,051,496	

<p>B.2</p>	<p>New Activities.</p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Demolition and/or Disposition.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Tenant Based Assistance.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Project-Based Assistance under RAD.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Project Based Vouchers.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p>
<p>B.3</p>	<p>Progress Report.</p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p> <p>The Progress Report is included in Attachment C.</p>
<p>B.4.</p>	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<p>Other Document and/or Certification Requirements</p>	
<p>C.1</p>	<p>Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</p> <p><u>Form 50077-ST-HCV-HP</u>, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<p>C.2</p>	<p>Civil Rights Certification.</p> <p><u>Form 50077-ST-HCV-HP</u>, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<p>C.3</p>	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>Federal regulations require that a Resident Advisory Board (RAB) participate in the planning process and assist in making recommendations regarding the PHA plan and its supporting documents. Fourteen Public Housing and Section 8 participants volunteered to serve on the RAB. Most RAB members provided positive comments over the phone regarding the annual plan revisions and some asked a few clarification questions. Three RAB members provided written comments mostly recommending word usage, rewriting sentences for clarity and grammar changes. All grammar changes were made, but sentences were not revised because the sentences contained required regulation language.</p> <p>The RAB comments are included in Attachment D.</p>

C.4	<p>Certification by State or Local Officials.</p> <p><u>Form HUD 50077-SL</u>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
D	<p>Statement of Capital Improvements. Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).</p>
D.1	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD.</p> <p>The most recent HUD-approved 5-Year Action Plan (HUD- 50075.2) approved by HUD on 04/13/2015 is included in Attachment E.</p>

*The City of Chandler Housing and Redevelopment's
Administrative Plan*

20156



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Final - Effective 07/01/20156

*Recommendation approved by the Housing and Redevelopment Committee:
Approved by the City of Chandler Public Housing Authority Commission on:
Approved by the United States Department of Housing and Urban Development:*

document to the PHA agency plan, and is available for public review as required by CFR 24 Part 903.

This administrative plan is set forth to define the PHA's local policies for operation of the housing programs in accordance with federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices and other applicable law. The policies in this administrative plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

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

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

1-III.B. Contents of the Plan [24 CFR 982.54]

The HUD regulations at 24 CFR 982.54 define the policies that must be included in the administrative plan. They are as follow:

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

3-I.B. Family and Household [24 CFR 982.201(c), FR Notice 02/03/12; Notice PIH 2014-20]

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

Family

To be eligible for assistance, an applicant must qualify as a family. *Family* is defined by HUD includes, but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

PHA Policy

Each family must identify the individuals to be included in the family at the time of application, and must notify the PHA if the family's composition changes.

A family also includes two or more individuals who not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that the individuals have lived together previously, or certify that each individual's income and other resources will be available to meet the needs of the family.

Household

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

3-I.C. Family Break-Up and Remaining Member of Tenant Family

Family Break-up [24 CFR 982.315]

Except under the following conditions, the PHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence,

sexual assault and stalking, see section 16-IX.D of this plan.)

- If a court determines the disposition of property between members of the assisted family ~~in a divorce or separation decree~~, the PHA is bound by the court's determination of which family members continue to receive assistance.

PHA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will retain occupancy of the unit.

In the absence of a judicial decision, or an agreement among the original family members, the PHA will determine which family retains their placement on the waiting list, or will continue to receive assistance. In making its determination, the PHA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) the interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse; (4) any possible risks to family members as a result of domestic violence or criminal activity; and (5) the recommendations of social service professionals.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

3-I.D. Head of Household [24 CFR 5.504(b)]

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a cohead or spouse.

PHA Policy

The family may designate any qualified family member as the head of household.

- Age, disability, race, color, religion, sex, or national origin. (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside the PHA's jurisdiction under portability. (See Chapter 10)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant is otherwise qualified for assistance (see section 3-III.G.)

3-III.B. Mandatory Denial of Assistance [24 CFR 982.553(a)]

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally assisted housing in the last 3 years for drug-related criminal activity. HUD permits, but does not require, the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

PHA Policy

The PHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past ~~5(3)~~ three years for drug-related criminal activity, if the PHA is able to verify that the household member who committed the crime, is no longer living in the household.

- The PHA determines that any household member is currently engaged in the use of illegal drugs.

PHA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

PHA Policy

The PHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous six-6 months.

In determining reasonable cause, the PHA will consider all credible evidence,



including but not limited to, any record of convictions, ~~arrests~~, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. The PHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program

State laws purporting to legalize medical marijuana directly conflict with the admission and continued requirements of the Quality Housing and Work Responsibility Act of 1998 ("Public Housing Reform Act") and are thus subject to preemption. [September 24, 1999 HUD Letter Re: Medical Use of Marijuana]

3-III.C. Other Permitted Reasons for Denial of Assistance

HUD permits, but does not require the PHA to deny assistance for the reasons discussed in this section.

Criminal Activity [24 CFR 982.553]

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

PHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past ~~(53) five~~ three years, the family will be denied assistance.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners and management

including but not limited to, any record of convictions, ~~arrests~~, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. The PHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

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Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity: or

Criminal activity that may threaten the health or safety of property owners and management

staff, and persons performing contract administration functions or other responsibilities on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor, or agent). 'Immediate vicinity' means within a three-block radius of the premises.

Evidence of such criminal activity includes, but is not limited to:

- Convictions or ~~any arrests~~ within the past ~~five~~three (3) years for:
 - Drug-related,
 - Violent criminal activity or
 - Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor, or agent).
- Any record of eviction from public or privately-owned housing as a result of criminal activity within the past ~~5~~(3) three years.

Examples of *criminal activity* includes, but not limited to:

- Loitering
- ~~Breaking and Entering~~
- Criminal Trespassing
- Forgery
- Identity Theft
- Discharge of Firearm
- Criminal Damage
- Indecent Exposure
- Theft against any government agency
- Disorderly Conduct
- Burglary
- Harassment

In making its decision to deny assistance, the PHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny assistance.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

HUD authorizes the PHA to deny assistance based on the family's previous behavior in assisted housing:

PHA Policy

The PHA **will not** deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

The PHA will deny assistance to an applicant family if:

- The family does not provide information that the PHA or HUD determines is necessary in the administration of the program.
- The family does not provide complete and true information to the PHA.
- Any family member has been evicted from federally assisted housing or abandoned the federally assisted housing in the last five years.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family owes rent or other amounts to any PHA in connection with the HCV (aka Section 8) program ~~the HCV, Certificate, Moderate Rehabilitation or public housing program~~ or other public housing assistance under the 1937 Act, unless the family repays the full amount of the debt prior to being selected from the waiting list.
- If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list.
- The family has breached the terms of a repayment agreement entered into with the PHA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.
- A family member has engaged in or threatened violent or abusive behavior toward PHA personnel.
 - *Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 - *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- In making its decision to deny assistance, the PHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny assistance.

3-III.D. Screening

Screening for Eligibility

others, and compliance with other essential conditions of tenancy.

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

The PHA may not disclose to the owner any confidential information provided to the PHA by the family in response to a PHA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(a)(4)].

PHA Policy

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

3-III.E. Criteria for Deciding to Deny Assistance

Evidence

Although a record of arrest(s) may not be used to deny a housing opportunity, PHAs may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and the PHA has sufficient evidence other than the fact of arrest that the individual engaged in the conduct. The conduct, not the arrest, is what is relevant for admissions and tenancy decisions.

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^AAn arrest record can trigger an inquiry into whether there is sufficient evidence for a PHA to determine that a person engaged in disqualifying criminal activity, but is not itself evidence on which to base a determination. PHAs can utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist them in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.

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Consideration of Circumstances [24 CFR 982.552(c)(2)]

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandatory (see Section 3-III.B).

PHA Policy

The PHA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents

3-III.G. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Violence Against Women Reauthorization Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibits PHAs from denying an applicant admission to the HCV program “on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for assistance or admission.” Definitions of key terms used in VAWA are provided in section 16-IX of this plan, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of rights and the form HUD-50066 at the time the applicant is denied.

PHA Policy

The PHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, ~~a prior arrest record~~) that would warrant denial under the PHA’s policies. Therefore, if the PHA makes a determination to deny admission to an applicant family, the PHA will include in its notice of denial the VAWA information described in section 16-IX.C. of this plan as well as including a copy of the form HUD-50066. The PHA will request in writing that an applicant wishing to claim protection under VAWA notify the PHA within 10 business days..

Documentation

Victim Documentation [24 CFR 5.2007]

PHA Policy

If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, sexual assault, or stalking, the PHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

Perpetrator Documentation

PHA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit.

and time of application, or by a random selection process (lottery) [24 CFR 982.207(c)]. If a PHA does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

PHA Policy

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

4-III.D. Notification of Selection

When a family has been selected from the waiting list, the PHA must notify the family [24 CFR 982.554(a)].

PHA Policy

The PHA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview

All documents that must be provided at the interview, including information about what constitutes acceptable documentation

If a notification letter is returned to the PHA with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

4-III.F. Completing the Application Process

The PHA must verify all information provided by the family (see Chapter 7). Based on verified information, the PHA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

PHA Policy

accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

PHA Policy

Briefings will be conducted in-group meetings.

Generally, the head of household is required to attend the briefing.

Families that attend group briefings and still need individual assistance will be referred to an appropriate PHA staff person.

Briefings will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA's LEP plan (See Chapter 2).

Notification and Attendance

PHA Policy

Families will be notified of their eligibility for assistance at the time they are invited to attend a briefing. The notice will identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

If the notice is returned by the post office with no forwarding address, the applicant will be denied and their name will not be placed back on the waiting list. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated.

Applicants who fail to attend a scheduled briefing will be scheduled for another briefing automatically. The PHA will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without prior PHA approval, will be denied assistance (see Chapter 3).

Oral Briefing [24 CFR 982.301(a)]

Each briefing must provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside the PHA's jurisdiction;
- For families eligible under portability, an explanation of how portability works. The PHA may not discourage the family from choosing to live anywhere in the PHA jurisdiction or outside the PHA jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;
- The PHA must inform the family of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance; The PHA cannot discourage

- ~~eligible families from moving under portability;~~
- ~~For families living in high poverty census tracts, an explanation of~~ The advantages of moving to areas outside of high poverty concentrations that do not have a high concentration of low-income families; and
- For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

Briefing Packet [24 CFR 982.301(b)]

Documents and information provided in the briefing packet must include the following:

- The term of the voucher, voucher suspensions, and the PHA's policies on any extensions ~~or suspensions~~ of the term. If the PHA allows extensions, the packet must explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family, how the PHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how the PHA determines the maximum allowable rent for an assisted unit.
- ~~Where the family may lease a unit and~~ For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the information must include an explanation of how portability works; including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family's assistance.
- The HUD-required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy.
- A statement of the PHA policy on providing information about families to prospective owners.
- The PHA subsidy standards including when and how exceptions are made.
- ~~The HUD brochure on how to select a unit.~~ Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.
- The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*.
- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.
- A list of landlords known to the PHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers parties willing to lease to assisted families or help families find units, especially outside areas of areas outside of poverty or minority concentration.
- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to the PHA.
- The family obligations under the program, including any obligations of a welfare-to-work

PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5-II.A. Overview

The PHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. The PHA must also establish policies related to the issuance of the voucher, to the voucher term, and to any extensions or suspensions of that the voucher term.

5-II.B. Determining Family Unit (Voucher) Size [24 CFR 982.402]

For each family, the PHA determines the appropriate number of bedrooms under the PHA subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when the PHA determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards. [24 CFR 982.401 (d)]
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;
- Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under the PHA subsidy standards.

PHA Policy

The PHA will assign one bedroom for each two persons within the household,

Prior to issuing any vouchers, the PHA will determine whether it has sufficient funding in accordance with the policies in Part VIII of Chapter 16.

If the PHA determines that there is insufficient funding after a voucher has been issued, the PHA may rescind the voucher and place the affected family back on the waiting list.

5-II.E. Voucher Term, and Extensions, ~~and~~ Suspensions

Voucher Term [24 CFR 982.303]

The initial term of a voucher must be at least 60 calendar days. The initial term must be stated on the voucher [24 CFR 982.303(a)].

PHA Policy

The initial voucher term will be 60 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 60-day period unless the PHA grants an extension.

Extensions of Voucher Term [24 CFR 982.303(b)]

The PHA has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. There is no limit on the number of extensions that the PHA can approve. Discretionary policies related to extension and expiration of search time must be described in the PHA's administrative plan [24 CFR 982.54].

PHAs must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

The family must be notified in writing of the PHA's decision to approve or deny an extension. The PHA's decision to deny a request for an extension of the voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

PHA Policy

The PHA will approve additional extensions only in the following circumstances:

It is necessary as a reasonable accommodation for a person with disabilities.

Suspensions of Voucher Term [24 CFR 982.303(c)]

The PHA must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

Expiration of Voucher Term

Once a family's housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program. If the family still wishes to receive assistance, the PHA may require that the family reapply, or may place the family on the waiting list with a new application date but without requiring reapplication. Such a family does not become ineligible for the program on the grounds that it was unable to locate a unit before the voucher expired [HCV GB p. 8-13].

PHA Policy

If the applicant family's voucher term or extension expires before the PHA has approved a tenancy, the PHA will require the family to reapply for assistance. ~~family has submitted a Request for Tenancy Approval (RFTA), the PHA will require the family to reapply for assistance. If an RFTA that was submitted prior to the expiration date of the voucher is subsequently disapproved by the PHA (after the voucher term has expired), the family will be required to reapply for assistance.~~

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

To determine annual income in accordance with the above requirements, the PHA will use the definitions of *dependent child*, *institution of higher education*, and *parents* in Section 3-II.E, along with the following definitions [FR 4/10/06, pp. 18148-18150]:

- *Assistance under the Higher Education Act of 1965* includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.
- *Assistance from private sources* means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV assisted unit.
- *Tuition* will have the meaning given this term by the institution of higher education in which the student is enrolled and will include any other required fees and charges required by the institution for enrollment [FR 5/20/14, p. 28939 Notice PIH 2015-21] Examples of required fees include, but are not limited to, writing and science lab fees specific to the student's major or program (i.e. nursing program). Expenses related to attending an institution of higher education must not be included as tuition. Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

Student Financial Assistance Excluded from Annual Income [24 CFR 5.609(c)(6)]

Any student financial assistance not subject to inclusion under 24 CFR 5.609(b)(9) is fully excluded from annual income under 24 CFR 5.609(c)(6), whether it is paid directly to the student or to the educational institution the student is attending. This includes any financial assistance received by:

- Students residing with parents who are seeking or receiving Section 8 assistance
- Students who are enrolled in an educational institution that does **not** meet the 1965 HEA definition of *institution of higher education*
- Students who are over 23 **AND** have at least one dependent child, as defined in Section 3-II.E
- Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.

6-I.M. Additional Exclusions From Annual Income

Other exclusions contained in 24 CFR 5.609(c) and updated by FR Notice 5/20/14 that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for

PHA Policy

If utility service is not available for testing at the time of the initial inspection, the PHA will not conduct the inspection.

After the initial inspection has passed, and the owner does not provide the utility service, the electric utility must be turned on only in the head of household's name before the execution of the Housing Assistance Payment Contract. Written documentation must be provided to the PHA that will verify that the electric utility is turned on only in the head of household's name.

It is important that the electricity is in the head of household's name because the COCHA submits utility reimbursement payments to the electric company only in the head of household's name.

Appliances

PHA Policy

If the family is responsible for supplying the stove and/or refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place before the HAP contract is executed by the PHA. The PHA will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working. A confirmatory inspection will be scheduled within 30 days of HAP contract approval.

8.II.C. Annual/Biennial HQS Inspections [24 CFR 982.405(a)FR Notice 6/25/14]

Effective July 1, 2014, PHAs may establish a policy for performing unit inspections biennially rather than annually [Federal Register notice 06/25/14]. This policy could apply to some or all assisted units. PHAs still have the option to inspect every unit annually.

PHA Policy

Each unit under HAP contract must be inspected within 24 months of the last full HQS inspection; however, if a unit is found to have a life-threatening HQS fail, the owner of that unit will be required to participate in annual inspections for all units for the period of 24 months before being returned to biennial inspections. This does not apply to life-threatening HQS fails caused by tenants.

One or more substantiated complaints will also require the owner of that unit to participate in annual inspections for all units for the period of 24 months before being returned to biennial inspections.

The PHA reserves the right to require annual/biennial inspections of any owner at any time. The PHA will maintain documentation in the participant file to support the decision.

Scheduling the Inspection

PHA Policy

CHAPTER 10

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

INTRODUCTION

Freedom of housing choice is a hallmark of the housing choice voucher (HCV) program. In general, HUD regulations impose few restrictions on where families may live or move with HCV assistance. This chapter sets forth HUD regulations and PHA policies governing moves within or outside the PHA's jurisdiction in two parts:

Part I: Moving with Continued Assistance. This part covers the general rules that apply to all moves by a family assisted under the PHA's HCV program, whether the family moves to another unit within the PHA's jurisdiction or to a unit outside the PHA's jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into the PHA's jurisdiction. This part also covers the special responsibilities that the PHA has under portability regulations and procedures.

PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.A. Allowable Moves

HUD lists five regulatory conditions and the statutory condition under VAWA in which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

- The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.354(b)(3)]. If the family terminates the lease on notice to the owner, the family must give the PHA a copy of the notice at the same time [24 CFR 982.354(d)(1)].
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.354(b)(1)(ii)].

PHA Policy

If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the PHA a copy of the termination agreement.

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.354(b)(2)]. The family must give the PHA a copy of any owner eviction notice [24 CFR 982.551(g)].
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.354(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the PHA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4), 24 CFR 982.353(b)].

PHA Policy

If a family requests permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, the PHA will request documentation in accordance with section 16-IX.D of this plan.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the PHA will document the waiver in the family's file.

- The PHA has terminated the ~~assisted lease~~ HAP contract for the family's unit for the owner's breach [24 CFR 982.354(b)(1)(i)].
- The PHA determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the PHA must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives notice to the owner. [24 CFR 982.403(a) and (c)]

10-I.B. Restrictions on Moves

A family's right to move is generally contingent upon the family's compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which a PHA may deny a family permission to move and two ways in which a PHA may restrict moves by a family.

Denial of Moves

HUD regulations permit the PHA to deny a family permission to move under the following conditions:

Insufficient Funding

The PHA may deny a family permission to move either within or outside the PHA's jurisdiction if the PHA does not have sufficient funding for continued assistance [24 CFR 982.314(e)(1)]. However, Notice 2012-42 significantly restricts the ability of PHAs to deny permission to move due to insufficient funding and places further requirements on PHAs regarding moves denied due to lack of funding. The requirements found in this notice are mandatory.

PHA Policy

The PHA will deny a family permission to move on grounds that the PHA does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the PHA; (b) the PHA can demonstrate that the move will, in fact, result in higher subsidy costs; and (c) the PHA can demonstrate, in accordance with the policies in Part VIII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs.

The PHA will create a list of families whose moves have been denied due to insufficient funding. When funds become available, the families on this list will take precedence over families on the waiting list. The PHA will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the waiting list (see section 4-III.D).

The PHA will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

Grounds for Denial or Termination of Assistance

The PHA may deny a family permission to move if it has grounds for denying or terminating the family's assistance [24 CFR 982.3544(e)(2)].

PHA Policy

If the PHA has grounds for denying or terminating a family's assistance, the PHA will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances.

Restrictions on Elective Moves [24 CFR 982.3544(c)]

HUD regulations permit the PHA to prohibit any elective move by a participant family during the family's initial lease term. They also permit the PHA to prohibit more than one elective move by a participant family during any 12-month period. However, such prohibitions, if adopted, do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. (For the policy on documentation of abuse, see section 10-1.A) In

addition, the PHA may not establish a policy permitting moves only at reexamination [Notice PIH 2012-42].

PHA Policy

The PHA will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within the PHA's jurisdiction or outside it under portability.

The PHA will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in the PHA's jurisdiction.

The PHA will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the PHA will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

10-I.C. Moving Process

Notification

If a family wishes to move to a new unit, the family must notify the PHA and the owner before moving out of the old unit or terminating the lease on notice to the owner [24 CFR 982.3514(d)(2)]. If the family wishes to move to a unit outside the PHA's jurisdiction under portability, the notice to the PHA must specify the area where the family wishes to move [24 CFR 982.3514(d)(2), Notice PIH 2012-42]. The notices must be in writing [24 CFR 982.5].

Approval

PHA Policy

Upon receipt of a family's notification that it wishes to move, the PHA will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. The PHA will notify the family in writing of its determination within 10 business days following receipt of the family's notification.

Reexamination of Family Income and Composition

PHA Policy

For families approved to move to a new unit within the PHA's jurisdiction, the PHA will perform a new annual reexamination in accordance with the policies set forth in Chapter 11 of this plan.

receiving PHA pays for the family's assistance with its own program funds, and the initial PHA has no further relationship with the family. The initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the initial PHA's voucher. Based on the receiving PHA's response, the initial PHA must determine whether they will approved or deny the portability request [Notice PIH 2012-42].

PHAs commonly act as both the initial and receiving PHA because families may move into or out of their jurisdiction under portability. Each role involves different responsibilities. The PHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

In administering portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required forms [24 CFR 982.355(e)(5)].

PHAs must also comply with billing and payment deadlines. HUD may reduce an administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements [24 CFR 982.355(7)].

10-II.B. Initial PHA Role

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family (24 CFR 982.255(b), initial PHA may choose the receiving PHA [24 CFR 982.355(b)].

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the PHA's jurisdiction under portability. HUD regulations and PHA policy, determines whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside the PHA's jurisdiction under portability. However, HUD gives the PHA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If a PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA must notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

PHA Policy

In determining whether or not to deny an applicant family permission to move under

portability because the PHA lacks sufficient funding or has grounds for denying assistance to the family, the initial PHA will follow the policies established in section 10-I.B of this chapter. If the PHA does deny the move due to insufficient funding, the PHA will notify HUD in writing within 10 business days of the PHA's determination to deny the move.

In addition, the PHA may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

PHA Policy

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the PHA's jurisdiction at the time that the family's initial application for assistance was submitted, the family must lease a unit within the initial PHA's jurisdiction for at least 12 months before requesting portability.

The PHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, or stalking. ~~However, any exception to this policy is subject to the approval of the receiving PHA [24 CFR 982.353(e)(3)].~~

Participant Families

The Initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. The Violence against Women Act of 2013 (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit [24 CFR 982.353(b)].

PHA Policy

The PHA will determine whether a participant family may move out of the PHA's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. The PHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(1)]. The family must specify the area to which the family wishes to move [~~Notice 2012-12~~ 24 CFR 982.355(c)(1)].

The initial PHA is responsible for determining whether the family is income eligible in the area to

which the family wishes to move [24 CFR 982.353~~(d)~~(1), 24 CFR982.355(9)]. If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2012-42].

Participant Families

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2), ~~24 CFR 982.355(e)(1)~~].

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

PHA Policy

For a participant family approved to move out of its jurisdiction under portability, the PHA generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

The PHA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

Briefing

The regulations and policies on briefings set forth in Chapter 5 of this plan require the PHA to provide information on portability to all applicant families that qualify to lease a unit outside the PHA's jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

PHA Policy

No formal briefing will be required for a participant family wishing to move outside the PHA's jurisdiction under portability. However, the PHA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5).

The PHA will provide the name, address, and phone of the contact for the PHAs in the jurisdiction to which they wish to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, the PHA will advise the family that the family must select the receiving PHA and notify the initial PHA of which receiving PHA was selected. The PHA will further inform the family that if the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family.

The PHA will advise the family that they will be under the PHA's policies and procedures, including screening, subsidy standards and voucher extension policies, and payment standards.

Initial Notification to the Receiving PHA

After approving a family's request to move under portability, the initial PHA must promptly notify the receiving PHA via email or other confirmed delivery method to expect the family [24 CFR 982.355(c)(32); 24 CFR 982.355(c) (7)]. ~~This means that the initial PHA must contact the receiving PHA directly on the family's behalf [Notice PIH 2012-42].~~ The initial PHA must also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(26)].

PHA Policy

Because the portability process is time-sensitive, the PHA will notify the receiving PHA by phone, fax, or e-mail to expect the family. The initial PHA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, fax, email address, and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. The PHA will pass this information along to the family. The PHA will also ask for the name, address, telephone number, fax and email of the person responsible for processing the billing information.

Sending Documentation to the Receiving PHA

The initial PHA is required to send the receiving PHA the following documents:

- Form HUD-52665, Family Portability Information, with Part I filled out [Notice PIH 2012-42]
- A copy of the family's voucher [Notice PIH 2012-42]
- A copy of the family's most recent HUD Form 50058 (Family Report) or, if necessary in the case of an applicant family, family and income information in a format similar to that of form HUD-50058 [24 CFR 982.355(c)(74), Notice PIH 2012-42]
- Copies of the income verifications backing up the form HUD-50058 [24 CFR 982.355(c)(74), Notice PIH 2012-42]

PHA Policy

In addition to these documents, the PHA will provide the following information, if available, to the receiving PHA:

- Social security numbers (SSNs)
- Documentation of SSNs for all nonexempt household members whose SSNs have not been verified through the EIV system
- Documentation of legal identity
- Documentation of citizenship or eligible immigration status
- Documentation of participation in the earned income disallowance (EID) benefit
- Documentation of participation in a family self-sufficiency (FSS) program

The PHA will notify the family in writing regarding any information provided to the receiving PHA [HCV GB. p. 13-3].

**Initial Billing Deadline [Notice PIH 2012-42], Letter to Executive Directors,
9/15/15]**

When the initial PHA sends form HUD-52665 to the receiving PHA, it specifies in Part I the deadline by which it must receive the initial billing notice from the receiving PHA. This The deadline for submission of initial billing is 60 days following the expiration date of the voucher issued to the family by the initial PHA. If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must contact the receiving PHA to determine the status of the family. If the receiving PHA reports that the family is not yet under HAP contract, the initial PHA may refuse to accept a late billing submission. If the receiving PHA reports that the family is under HAP contract and the receiving PHA cannot absorb the family, the initial PHA must accept a late billing submission; however, it may report to HUD the receiving PHA's failure to comply with the deadline.

PHA Policy

If the PHA has not received an initial billing notice from the receiving PHA by the deadline within 90 days of expiration of the IHA's vouchers specified on form HUD-52665, it will contact the receiving PHA by phone, fax, or e-mail on the next business day. If the PHA reports that the family is not yet under HAP contract, the PHA will inform the receiving PHA that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. The PHA will send the receiving PHA a written confirmation of its decision by mail.

The PHA will allow an exception to this policy if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2012-42]

If the receiving PHA is administering the family's voucher, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. When reimbursing for administrative fees, the initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill [24 CFR 982.355(e)(2)].

The initial PHA is responsible for making billing payments in a timely manner. The first billing amount is due within 30 calendar days after the initial PHA receives Part II of form HUD-52665 from the receiving PHA. Subsequent payments must be **received** by the receiving PHA no later than the fifth business day of each month. The payments must be provided in a form and manner that the receiving PHA is able and willing to accept.

The initial PHA may not terminate or delay making payments under existing portability billing arrangements as a result of overleasing or funding shortfalls. The PHA must manage its tenant-based program in a manner that ensures that it has the financial ability to provide assistance for families that move out of its jurisdiction under portability and are not absorbed by receiving PHAs as well as for families that remain within its jurisdiction.

Annual Updates of Form HUD-50058

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

Denial or Termination of Assistance [24 CFR 982.355(c)(179)]

If the initial PHA has grounds for denying or terminating assistance for a portable family that has not been absorbed by the receiving PHA, the initial PHA may act on those grounds at any time. At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. (For PHA policies on denial and termination, see Chapters 3 and 12, respectively.)

Portability of Family Self-Sufficiency

The relocating family may participate in the receiving PHA's Family Self-Sufficiency (FSS) program if it is admitted to the program by the receiving PHA.

10-II.C. Receiving PHA Role

If a family has a right to lease a unit in the receiving PHA's jurisdiction under portability, the receiving PHA must provide assistance for the family [24 CFR 982.355(10)].

The receiving PHA's procedures and preferences for selection among eligible applicants do not apply, and the receiving PHA's waiting list is not used [24 CFR 982.355(10)]. HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families [24 CFR 982.355(b)].

Administration of the voucher must be in accordance with the receiving PHA's policies: this requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used [24 CFR 982.355 (c)(10)]. However, the family's unit, or voucher, size is determined in accordance with the subsidy standards of the receiving PHA [24 CFR 982.355(c)(127)], and the amount of the family's housing assistance payment is determined in the same manner as for other families in the receiving PHA's voucher program receiving PHA's policies on extensions of the voucher term apply [24 CFR 982.355(c)(24)].

Responding to Initial PHA's Request [24 CFR 982.355(c)]

The receiving PHA must respond via e-mail or other confirmed delivery method to the initial PHA's inquiry to determine whether the family's voucher will be billed or absorbed [24 CFR 982.355(c)(3)]. If the receiving PHA informs the initial PHA that it will be absorbing the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA (24 CFR 982.355(c)(4) [~~Notice PIH 2012-42~~]).

PHA Policy

The PHA will use e-mail, when possible, to notify the initial PHA whether it will administer or absorb the family's voucher.

Initial Contact with Family

When a family moves into the PHA's jurisdiction under portability, the family is responsible for promptly contacting the PHA and complying with the PHA's procedures for incoming portable families [~~24 CFR 982.355(e)(3)~~]. The family's failure to comply may result in denial or termination of the receiving PHA's voucher [24 CFR 982.355 (c)(8)].

If the voucher issued to the family by the initial PHA has expired, the receiving PHA ~~does not process the family's paperwork but instead refers the family back to the initial PHA [Notice PIH 2012-42].~~ Must contact the initial PHA to determine if it will extend the voucher [24 CFR 982.355(c)(13)].

If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2012-42]. (For more on this topic, see later under "Denial or Termination of Assistance.")

Briefing

HUD allows the receiving PHA to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family's search [Notice PIH 2012-42].

PHA Policy

The PHA will require the family to attend a briefing. The PHA will provide the family with a briefing packet (as described in Chapter 5) and, in an individual briefing, will orally inform the family about the PHA's payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process.

Income Eligibility and Reexamination

~~HUD allows the receiving PHA to conduct its own income reexamination of a portable family [24 CFR 982.355(e)(4)]. However, the receiving PHA may not delay voucher issuance or unit approval until the reexamination process is complete unless the reexamination is necessary to determine that an applicant family is income eligible for admission to the program in the area~~

where the family wishes to lease a unit [Notice PIH 2012-42, 24 CFR 982.201(b)(4)]. The receiving PHA does not redetermine income eligibility for a portable family that was already receiving assistance in the initial PHA's voucher program [24 CFR 982.355(c)(94)]. If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit [24 CFR 982.355(c)(11)].

PHA Policy

For any family moving into its jurisdiction under portability, the PHA will conduct a new reexamination of family income and composition. However, the PHA will not delay issuing the family a voucher for this reason. Nor will the PHA delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and the PHA cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, the PHA will rely upon any verifications provided by the initial PHA to the extent that they (a) accurately reflect the family's current circumstances and (b) were obtained within the last 120 days. Any new information may be verified by documents provided by the family and adjusted, if necessary, when third party verification is received.

Voucher Issuance

When a family moves into its jurisdiction under portability, the receiving PHA is required to issue the family a voucher [24 CFR 982.355(b)(613)]. The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA's voucher [24 CFR 982.355(c)(615)].

Timing of Voucher Issuance

HUD expects the receiving PHA to issue the voucher within two weeks after receiving the family's paperwork from the initial PHA if the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA's procedures [Notice PIH 2012-42].

PHA Policy

When a family ports into its jurisdiction, the PHA will issue the family a voucher based on the paperwork provided by the family unless the family's paperwork from the initial PHA is incomplete, the family's voucher from the initial PHA has expired or the family does not comply with the PHA's procedures. The PHA will update the family's information when verification has been completed.

Voucher Term

The term of the receiving PHA's voucher may not expire before 30 calendar days from the expiration the term of the initial PHA's voucher [24 CFR 982.355(c)(613)].

PHA Policy

The receiving PHA's voucher will expire 30 calendar days from ~~on the same~~ expiration date ~~of~~as the initial PHA's voucher.

Voucher Extensions [24 CFR 982.355(c)(146), Notice 2012-42]

~~The receiving PHA may provide additional search time to the family beyond the expiration date of the initial PHA's voucher. Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply, however, if it does so, it~~ The receiving PHA must inform the initial PHA of ~~the~~any extension granted to the term of the voucher. It must also bear in mind the billing deadline provided by the initial PHA. Unless willing and able to absorb the family, the receiving PHA should ensure that any voucher expiration date would leave sufficient time to process a request for tenancy approval, execute a HAP contract, and deliver the initial billing to the initial PHA.

PHA Policy

The PHA generally will not extend the term of the voucher that it issues to an incoming portable family unless the PHA plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 5-II.E.

The PHA will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).

Voucher Suspensions [24 CFR 982.303, 24 CFR 982.355(c)(15)]

If the family submits a request for tenancy approval during the term of the receiving PHA's voucher, the PHA must suspend the term of that voucher. The term of the voucher stops from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied [24 CFR 982.4(b)] (see Section 5-II.E).

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Notifying the Initial PHA

The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the receiving PHA's voucher [24 CFR 982.355(c)(816)]. The receiving PHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [24 CFR 982.355(e)(5); Notice PIH 2012-42]. (For more on this topic and the deadline for notification, see below under "Administering a Portable Family's Voucher.")

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

family's search in the receiving PHA's jurisdiction. [Notice PIH 2012-42]

Administering a Portable Family's Voucher

Portability Billing [24 CFR 982.355(e)]

To cover assistance for a portable family that was not absorbed, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. The amount of the housing assistance payment for a portable family in the receiving PHA's program is determined in the same manner as for other families in the receiving PHA's program.

The receiving PHA may bill the initial PHA for the lesser of 80 percent of the initial PHA's ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill (i.e., the receiving PHA may bill for the lesser of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee).

If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

PHA Policy
Unless the PHA negotiates a different amount of reimbursement with the initial PHA, the PHA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.

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Initial Billing Deadline

If a portable family's search for a unit is successful and the receiving PHA intends to administer the family's voucher, the receiving PHA must submit its initial billing notice (Part II of form HUD-52665) (a) no later than 10 business days following the date the receiving PHA **executes** a HAP contract on behalf of the family **and** (b) in time that the notice will be **received** no later than 60 days following the expiration date of the family's voucher issued by the initial PHA [Notice PIH 2012-42]. A copy of the family's form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. The receiving PHA may send these documents by mail, fax, or e-mail.

PHA Policy

The PHA will send its initial billing notice by fax or e-mail, if necessary, to meet the billing deadline but will also send the notice by regular mail.

If the receiving PHA fails to send the initial billing within 10 business days following the date the HAP contract is executed, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor

Overpayments [Notice PIH 2012-42]

In all cases where the receiving PHA has received billing payments for billing arrangements no longer in effect, the receiving PHA is responsible for returning the full amount of the overpayment (including the portion provided for administrative fees) to the initial PHA.

In the event that HUD determines billing payments have continued for at least three months because the receiving PHA failed to notify the initial PHA that the billing arrangement was terminated, the receiving PHA must take the following steps:

- Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.
- Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over the receiving PHA of the date and the amount of reimbursement to the initial PHA.

At HUD's discretion, the receiving PHA will be subject to the sanctions spelled out in Notice PIH 2012-42

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Denial or Termination of Assistance

At any time, the receiving PHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(917), 24 CFR 982.355(e)(10)].

In the case of a termination, the PHA should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should the receiving PHA fail to notify the initial PHA later than 10 business days following the effective date of the termination of the billing arrangement. [HUD-52665; Notice PIH 2012-42

PHA Policy

If the PHA elects to deny or terminate assistance for a portable family, the PHA will notify the initial PHA within 10 business days after the informal review or hearing if the denial or termination is upheld. The PHA will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The informal review or hearing will be held in accordance with the policies in Chapter 16. The receiving PHA will furnish the initial PHA with a copy of the review or hearing decision.

Absorbing a Portable Family

The receiving PHA may absorb an incoming portable family into its own program when the PHA executes a HAP contract on behalf of the family or at any time thereafter providing that (a) the PHA has funding available under its annual contributions contract (ACC) and (b) absorbing the family will not result in over-leasing [24 CFR 982.355(d)(1), Notice PIH 2012-42].

If the receiving PHA absorbs a family from the point of admission, the admission will be counted

against the income targeting obligation of the receiving PHA [24 CFR 982.201(b)(2)(vii)].

If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, HUD encourages the receiving PHA to provide adequate advance notice to the initial PHA to avoid having to return an overpayment. The receiving PHA must specify the effective date of the absorption of the family. [Notice PIH 2012-42]

PHA Policy

If the PHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the PHA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If the PHA decides to absorb a family after that, it will provide the initial PHA with 30 days' advance notice.

Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for the receiving PHA's voucher program [24 CFR 982.355(d)], and the receiving PHA becomes the initial PHA in any subsequent moves by the family under portability [24 CFR 982.355(e)(4)].-

In this situation, the PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must terminate assistance for the household.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, and is not residing with his/her parents in an HCV assisted household, the PHA must terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and PHA policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]

The PHA must immediately terminate program assistance for deceased single member households- which will result in termination of the HAP contract and HAP to the owner in accordance with the aforementioned provisions. The owner is **not** entitled to HAP for any month following the month in which the death occurred. There are no exceptions to this policy and procedures.

12-I.E. Mandatory Policies and Other Authorized Terminations

Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]

HUD requires the PHA to establish policies that permit the PHA to terminate assistance if the PHA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity
- Any household member has violated the family's obligation not to engage in violent criminal activity

Use of Illegal Drugs and Alcohol Abuse

PHA Policy

The PHA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with

the health, safety, or right to peaceful enjoyment of the premises by other residents.

The PHA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous six months.

The PHA will consider all credible evidence, including but not limited to, any record of ~~arrests~~, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 12-II.C and other factors described in Section 12-II.D. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

Drug-Related and Violent Criminal Activity [24 CFR 5.100]

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

PHA Policy

The PHA will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

The PHA will consider all credible evidence, including but not limited to, any record of ~~arrests and/or~~ convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 12-II.C and other factors described in Section 12-II.D. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

State laws purporting to legalize medical marijuana directly conflict with the admission and

continued requirements of the Quality Housing and Work Responsibility Act of 1998 ("Public Housing Reform Act") and are thus subject to preemption. [September 24, 1999 HUD Letter Re: Medical Use of Marijuana]

Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(e)]

HUD permits the PHA to terminate assistance under a number of other circumstances. It is left to the discretion of the PHA whether such circumstances in general warrant consideration for the termination of assistance. As discussed further in section 12-II.E., the Violence Against Women Reauthorization Act of 2013 explicitly prohibits PHAs from considering incidents of, or criminal activity directly related to, domestic violence, dating violence, sexual assault, or stalking as reasons for terminating the assistance of a victim of such abuse.

PHA Policy

The PHA **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency.

The PHA **will** terminate a family's assistance if:

The family has failed to comply with any family obligations under the program.
See Exhibit 12-1 for a listing of family obligations and related PHA policies.

Any family member has been evicted from or abandoned a federally assisted housing in the last five years.

Any PHA has ever terminated assistance under the program for any member of the family.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family currently owes rent or other amounts to any PHA in connection with ~~the HCV, Certificate, Moderate Rehabilitation or public housing programs~~ Section 8 or public housing assistance under the 1937 Act.

The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family has breached the terms of a repayment agreement entered into with the PHA.

A family member has engaged in or threatened violent or abusive behavior toward PHA personnel.

Abusive or violent behavior towards PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered

abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 12-II.C and other factors described in Section 12-II.D. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

Family Absence from the Unit [24 CFR 982.312, Form HUD-52641]

The family may be absent from the unit for brief periods. The PHA must establish a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

PHA Policy

If the family is absent from the unit for more than 30 calendar days, the family's assistance will be terminated. Notice of termination will be sent in accordance with Section 12-II.F.

Housing assistance payments terminate if the family is absent for longer than the maximum period permitted. The term of the HAP contract and assisted lease also terminate.

(The owner must reimburse the PHA for any housing assistance payment for the period after the termination.)

Absence means that no member of the family is residing in the unit.

If the family moves from the contract unit, the HAP contract terminates automatically.

Housing assistance payments shall only be paid to the owner while the family is residing in the contract unit during the term of the HAP contract. The PHA shall not pay a housing assistance payment to the owner for any month after the month when the family moves out.

Insufficient Funding [24 CFR 982.454]

The PHA may terminate HAP contracts if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

PHA Policy

The PHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the PHA determines there

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12-II.B. Method of Termination [24 CFR 982.552(a)(3)]

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

- Terminating housing assistance payments under a current HAP contract,
- Refusing to enter into a new HAP contract or approve a lease, or
- Refusing to process a request for or to provide assistance under portability procedures.

12-II.C. Alternatives to Termination of Assistance

Change in Household Composition

As a condition of continued assistance, the PHA may require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

PHA Policy

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

Repayment of Family Debts

PHA Policy

If a family owes amounts to the PHA, as a condition of continued assistance, the PHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the PHA of the amount owed. See Chapter 16 for policies on repayment agreements.

12-II.D. Criteria for Deciding to Terminate Assistance

Evidence

For criminal activity, although a record of arrest(s) may not be used to deny a housing opportunity, PHAs may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and the PHA has sufficient evidence other than the fact of arrest that the individual engaged in the conduct. The conduct, not the arrest, is what is relevant for admissions and tenancy decisions. An arrest record can trigger an inquiry into whether there is sufficient evidence for a PHA to determine that a person engaged in disqualifying criminal activity, but is not itself evidence on which to base a determination. PHAs can utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist them in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred. [PIH Notice 2015-19] HUD

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permits the PHA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(e)].

PHA Policy

The PHA will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

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Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

The PHA is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

PHA Policy

The PHA will consider the following factors when making its decision to terminate assistance:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that termination of assistance may have on other members of the family who were not involved in the action or failure to act

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, sexual assault, or stalking

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The PHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
- Any violent criminal activity on or near the premises; or

Any drug-related criminal activity on or near the premises.

However, in the case of criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, if the tenant or an affiliated individual is the victim, the criminal activity may not be construed as cause for terminating the victim's tenancy (see section 12-II.E).

The owner may terminate tenancy during the term of the lease if any member of the household is:

- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Evidence of Criminal Activity

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines the covered person has engaged in the criminal activity, ~~regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.~~

Other Good Cause

During the initial lease term, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

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

Failure by the family to accept the offer of a new lease or revision;

The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or

request an informal hearing has elapsed, and any requested hearing has been completed.

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

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

Decisions Subject to Informal Hearing

Circumstances for which the PHA must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- A determination of the family unit size under the PHA's subsidy standards
- ~~A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA's subsidy standards, or the PHA determination to deny the family's request for exception from the standards~~
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

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

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

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. Overview

The HCV regulations allow PHAs to deny families permission to move and to terminate Housing Assistance Payments (HAP) contracts if funding under the consolidated ACC is insufficient to support continued assistance [24 CFR 982.3514(e)(1) and 982.454]. If a PHA denies a family a portability move based on insufficient funding, the PHA is required to notify the local HUD office within 10 business days [24 CFR 982.354]. Insufficient funding may also impact the PHA's ability to issue vouchers to families on the waiting list. This part discusses the methodology the PHA will use to determine whether or not the PHA has sufficient funding to issue vouchers, approve moves, and to continue subsidizing all families currently under a HAP contract.

16-VIII.B. Methodology

PHA Policy

The PHA will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing the PHA's annual budget authority to the annual total HAP needs on a monthly basis.

The total HAP needs for the calendar or fiscal year will be projected by establishing the actual HAP costs year to date. To that figure, the PHA will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month's average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority, or if the PHA cannot support the cost of the proposed subsidy commitment, (voucher issuance or move) based on the funding analysis, the PHA will be considered to have insufficient funding.

At the discretion of the PHA or upon guidance from HUD, the PHA may modify or add to the methodology of determining insufficient funding as it becomes appropriate or necessary.

PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

16-IX.A. Overview

The Violence against Women Reauthorization Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws ~~take precedence over~~ apply in conjunction with VAWA. \

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, "Family Breakup and Remaining Member of Tenant Family"; 3-III.G, "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking"; 10-I.A, "Allowable Moves"; 10-I.B, "Restrictions on Moves"; 12-II.E, "Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, or Stalking"; and 12-II.F, "Termination Notice."

16-IX.B. Definitions [24 CFR 5.2003, 42 USC 13925]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship

The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- The term *affiliated individual* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
 - Any other individual, tenant or lawful occupant living in the household of ~~that individual~~ the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *sexual assault* means:
 - Any nonconsensual sexual act prescribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
 - ~~To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or~~
 - ~~To place under surveillance with the intent to kill, injure, harass, or intimidate~~

another person; and

~~—In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person. To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.~~

16-IX.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

The PHA adopts the following policy to help ensure that all actual and potential beneficiaries of its HCV program are aware of their rights under VAWA.

PHA Policy

The PHA will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (see sample notices in Exhibits 16-1 and 16-2)

The definitions of *domestic violence*, *dating violence*, *sexual assault*, and *stalking* provided in VAWA (included in Exhibits 16-1 and 16-2)

An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibits 16-1 and 16-2)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibits 16-1 and 16-2)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

PHAs are required to inform program applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

VAWA 2013 expands the notification requirements (currently at 24 CFR 5.2005(a)(1)) to require that PHAs provide the notice when a person is denied assistance, when a person is admitted, and when a tenant is notified of eviction or termination of housing benefit, and to require that the notice be provided together with form HUD-50066.

PHA Policy

The PHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. The PHA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

The PHA will provide all participants with information about VAWA at the time of admission (see section 5-I.B) and at annual reexamination. The PHA will also include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

The VAWA information provided to applicants and participants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

Notification to Owners and Managers [24 CFR 5.2005(a)(2)]

PHAs are required to notify owners and managers participating in the HCV program of their rights and obligations under VAWA.

PHA Policy

The PHA will provide owners and managers with information about their rights and obligations under VAWA when they begin their participation in the HCV program and at least annually thereafter.

The VAWA information provided to owners will consist of the notice in Exhibit 16-2 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

16-IX.D. Documentation [24 CFR 5.2007]

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must

include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim

- (2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider, an attorney; a mental health professional; or a medical professional. ~~Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional.~~ The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

PHA Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The PHA may, in its discretion, extend the deadline for 10 business days. Any extension granted by the PHA will be in writing.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

PHA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, the PHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) ~~or (3)(c)~~ and by following any HUD guidance on how such determinations should be made.



Exhibit 16-1
NOTICE
TO HOUSING CHOICE VOUCHER
APPLICANTS AND TENANT REGARDING
THE VIOLENCE AGAINST WOMEN ACT
(VAWA)

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A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for a Section 8 voucher, the housing authority cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking, you cannot be terminated from the Section 8 program or evicted based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

Reasons You Can Be Evicted

You can be evicted and your rental assistance can be terminated if the housing authority or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking committed against you. The housing authority and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. Also, the housing authority can terminate the abuser's Section 8 rental assistance while allowing you to continue to receive assistance. If the landlord or housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety

The housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations in the housing choice voucher program. The housing authority may ask you to provide proof that you are moving because of incidences of abuse.

Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

The housing authority and your landlord can ask you to prove or "certify" that you are a victim

of domestic violence, dating violence, sexual assault, or stalking. The housing authority and your landlord must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority and your landlord are free to extend the deadline.

There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority or your landlord. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.
- Provide a statement from a victim service provider, attorney, mental health professional, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."
- Provide a police or court record, such as a protective order, or an administrative record.

Additionally, at its discretion, the housing authority can accept a statement or other evidence provided by the applicant or tenant.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the housing authority may terminate your rental assistance.

Confidentiality

The housing authority and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If release of the information would put your safety at risk, you should inform the housing authority and your landlord.

VAWA and Other Laws

VAWA does not limit the housing authority's or your landlord's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact your housing specialist at (480) 782-3200.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions

For purposes of determining whether a public housing applicant or tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines **domestic violence** to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines **dating violence** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines **sexual assault** as "any nonconsensual sexual act prescribed by Federal, tribal or State law including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines **stalking** as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

I have received a copy of the Notice regarding Violence Against Women Act.

APPLICANT/TENANT PRINTED NAME: _____

APPLICANT/TENANT SIGNATURE: _____

DATE: _____

*EXHIBIT 16-2: Notice to Housing Choice Voucher Owners and
Managers Regarding the Violence Against Women Act (VAWA)*



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Where Values Make The Difference

**NOTICE
TO OWNERS AND MANAGERS PARTICIPATING IN
THE HOUSING CHOICE VOUCHER PROGRAM
REGARDING THE VIOLENCE AGAINST WOMEN
ACT (VAWA)**

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your rights under VAWA.

Protections for Victims

You cannot refuse to rent to an applicant solely because he or she is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

You cannot evict a tenant who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

Permissible Evictions You can evict a victim of domestic violence, dating violence, sexual assault, or stalking if you can demonstrate that there is an *actual or imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking. You cannot hold a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than tenants who are not victims.

Removing the Abuser from the Household

You may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants’ rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If a tenant asserts VAWA’s protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand

official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- A completed, signed HUD-approved certification form. The most recent form is HUD-50066. This form is available at the housing authority or online at <http://www.hud.gov/offices/adm/hudclips/forms/hud5.cfm>.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5.
- A statement from a victim service provider, attorney, mental health professional, or medical professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.
- A police or court record, such as a protective order, or administrative record.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

Confidentiality

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

The victim should inform you if the release of the information would put his or her safety at risk.

VAWA and Other Laws

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

Additional Information

- If you have any questions regarding VAWA, please contact _____.
- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at <http://www.hud.gov/offices/adm/hudclips/notices/pih/06pihnotices.cfm>.
- For a discussion of VAWA's housing provisions, see the preamble to the final VAWA rule, which is available at <http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>.

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as "any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress~~(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.~~

***The City of Chandler Housing and Redevelopment's
Admissions and Continued Occupancy Policy
(ACOP)***

20152016



Chandler ♦ Arizona
Where Values Make The Difference

Final - Effective 07/01/2016

***Recommendation approved by the Housing and Redevelopment Committee: 03/25/2015
Approved by the City of Chandler Public Housing Authority Commission on: 04/13/2015
Approved by the United States Department of Housing and Urban Development: 06/08/2015***

Development Act of 1974 and the Fair Housing Amendments Act of 1988)

- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20.
- Violence against Women Act of 2013 (VAWA)

Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

PHA Policy

No state or local nondiscrimination laws or ordinances apply.

2-I.B. Nondiscrimination

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

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called "protected classes").

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

PHA Policy

The PHA will not discriminate on the basis of marital status or sexual orientation.

The PHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program

- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or tenant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families

The PHA must take steps to ensure that families are fully aware of all applicable civil rights laws. As part of the public housing orientation process, the PHA will provide information to public housing applicant families about civil rights requirements.

Discrimination Complaints

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

In all cases, the PHA may advise the family to file a fair housing complaint if the family feels they have been discriminated against under the Fair Housing Act.

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

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

of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.

If a court determines the disposition of property between members of the applicant or resident family ~~as part of a divorce or separation decree~~, the PHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, the PHA will determine which family retains their placement on the waiting list, or will continue in occupancy taking into consideration the following factors:

- (1) the interest of any minor children, including custody arrangements
- (2) the interest of any ill, elderly, or disabled family members
- (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and provides documentation in accordance with section 16-VII.D of this ACOP
- (4) any possible risks to family members as a result of criminal activity
- (5) the recommendations of social service professionals

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of a resident family who remains in the unit when other members of the family have left the unit [PH Occ GB, p. 26]. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

3-I.D. Head of Household [24 CFR 5.504(b)]

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a cohead or spouse.

PHA Policy

The family may designate any qualified family member as the head of household.

PHA Policy

The PHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past ~~5~~ years for drug-related criminal activity if the PHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the PHA, or the person who committed the crime is no longer living in the household.

- The PHA determines that any household member is currently engaged in the use of illegal drugs. *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. *Currently engaged in the illegal use of a drug* means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member [24 CFR 960.205(b)(1)].

PHA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

PHA Policy

In determining reasonable cause, the PHA will consider all credible evidence, including but not limited to, any record of convictions, ~~arrests~~, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. ~~A conviction will be given more weight than an arrest.~~ The PHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

State laws purporting to legalize medical marijuana directly conflict with the admission and continued requirements of the Quality Housing and Work Responsibility Act of 1998 ("Public Housing Reform Act") and are thus subject to preemption. [September 24, 1999 HUD Letter Re: Medical Use of Marijuana]

3-III.C. Other Permitted Reasons for Denial of Admission

HUD permits, but does not require the PHA to deny admission for the reasons discussed in this section.

Criminal Activity [24 CFR 960.203 (b) and (c)]

The PHA is responsible for screening family behavior and suitability for tenancy. In doing so, the PHA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

PHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past ~~five~~three years, the family will be denied admission.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants [24 CFR 960.203(c)(3)].

Criminal activity that may threaten the health or safety of PHA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to any record of convictions; ~~arrests or evictions for suspected drug-related or violent criminal activity of household members within the past five~~three (3) years. ~~A conviction for such activity will be given more weight than an arrest or an eviction~~

In making its decision to deny assistance, the PHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny assistance.

Examples of *criminal activity* includes, but not limited to:

- Loitering
- ~~Breaking and Entering~~
- Criminal Trespassing
- Forgery
- Identity Theft
- Discharge of Firearm

945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or cohead is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, the PHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

PHA Policy

The PHA has designated elderly housing. The PHA's development with designated housing are as follows:

Kingston Arms, 127 North Kingston

When there are insufficient elderly families on the waiting list who wish to reside in a designated elderly development, near-elderly families will receive a preference over other families for designated elderly units.

*** Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]**

The PHA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the PHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

The PHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or

developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c)(1)]

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the PHA must comply with the following steps:

Step 1. The PHA must determine the average income of all families residing in all the PHA's covered developments. The PHA may use the median income, instead of average income, provided that the PHA includes a written explanation in its annual plan justifying the use of median income.

PHA Policy

The PHA will determine the average income of all families in all covered developments on an annual basis.

Step 2. The PHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the PHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

PHA Policy

The PHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. The PHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or 30 percent of median income, whichever number is higher).

Step 4. The PHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the PHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the PHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans,

or added amenities

- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the PHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

PHA Policy

For developments outside the EIR the PHA will take the following actions to provide for deconcentration of poverty and income mixing:

The PHA's Deconcentration Policy, as described in the PHA Plan, may include skipping of families on the waiting list in order to bring families above the established income range into developments below the established income range, and to bring families below the established income range into developments above the established income range.

Order of Selection [24 CFR 960.206(e)]

The PHA system of preferences may select families either according to the date and time of application or by a random selection process.

PHA Policy

Families will be selected from the waiting list based on preference. Among applicants with the same preference, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by the PHA.

When selecting applicants from the waiting list, the PHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. The PHA will offer the unit to the highest ranking applicant who qualifies

for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and PHA policy.

Local preferences will be numerically ranked, with number 1 being the highest preference, in the following order:

- Ranking #1 Displaced person(s): Individuals or families displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- Ranking #2 Living or working in City of Chandler: Applicant must be contributing toward household expenses or must be physically employed by an employer within the City of Chandler.
- Ranking #3 Applicants with an adult family member enrolled in a employment training program or currently working (20) hours a week, or attending school on a full-time basis. This preference is also extended equally to all elderly families and all families whose head or spouse is receiving income based on their inability to work.

4-III.C. Notification of Selection

When the family has been selected from the waiting list, the PHA must notify the family [24 CFR 960.208].

PHA Policy

The PHA will notify the family by first class mail when it is selected from the waiting list.

The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview?

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable

documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned to the PHA with no forwarding address, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination; therefore no informal hearing will be offered.

4-III.D. The Application Interview

HUD recommends that the PHA obtain the information and documentation needed to make an eligibility determination through a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2010-3].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

PHA Policy

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

The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.

The interview will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, the PHA will allow the

counted as income ~~[CFR 5.609(b)(4)]~~. Additionally, any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [24 CFR 5.609 (c)(14)FR Notice 11/24/08].

PHA Policy

When a delayed-start payment is received and reported during the period in which the PHA is processing an annual reexamination, the PHA will adjust the tenant rent retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with the PHA. See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

Treatment of Overpayment Deductions from Social Security Benefits

The PHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2010-3].

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income [Notice PIH 2008-40].

PHA Policy

The PHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]

- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)].
Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump sums received as a result of delays in processing Social Security and SSI payments
(see section 6-I.H.) [24 CFR 5.609(c)(14)].
- Lump-sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [24 CFR 5.609(c)(14)].

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6-I.I. Payments In Lieu Of Earnings

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. Welfare Assistance

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The PHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was a public housing resident at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those "who receive welfare assistance or other public assistance benefits ('welfare benefits') from a State or other public agency ('welfare agency') under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance" [24 CFR 5.615(b)]

be conducted upon admission and upon each subsequent annual reexamination.

The PHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

The PHA must provide sufficient information for families to make an informed choice. This information must include the PHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the PHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the PHA determines that a financial hardship exists, the PHA must immediately allow the family to switch from flat rent to the income-based rent.

PHA Policy

Upon determination by the PHA that a financial hardship exists, the PHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by the PHA to be appropriate

PHA Policy

The PHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

Phasing In Flat Rents [Notice PIH 2014-12]

When new flat rents requirements were implemented in 2014, HUD limited the increase for existing residents paying flat rent at that time to no more than 35 percent of the current tenant rent per year. In some cases, this meant that some residents had or will have their flat rents phased-in at the time of their annual recertification. To do this, PHAs conduct a flat rent impact

analysis to determine whether a phase-in is or was necessary. For families whose flat rent is being phased-in, the PHA must multiply the family's current rent amount by 1.35 and compare the result to the flat rent under the PHA's policies. Families who have subsequently been admitted to the program or have subsequently selected flat rent will not experience a phase-in. For current residents whose rent would increase as a result of new flat rent requirements, the PHA must restrict the increases to no more than 35 percent of the current tenant rent per year. This would necessitate a phase-in of the rent increase.

Flat Rent Impact Analysis Calculation

In order to conduct a flat rent impact analysis, the PHA must multiply the family's current rent amount by 1.35 and compare the result to the flat rent under the PHA's policies.

Example: A family was paying a flat rent of \$500 per month. At their annual recertification, the PHA has increased the flat rent for their unit size to comply with the new requirements to \$700. The PHA ~~would~~ conducted a flat rent impact analysis as follows:

$$\$500 \times 1.35 = \$675$$

Since the PHA's increased flat rent of \$700 ~~would~~ resulted in a rent increase of more than 35 percent, the PHA ~~would~~ offered the family the choice to pay either \$675 per month or an income-based rent. The flat rent increase ~~was~~ would need to be phased in. At their next annual recertification in November 2015, the PHA will again multiply the family's current flat rent by 1.35 and compare the results to the PHA's current flat rent.

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PHA Policy

For families whose flat rent is being phased-in, the PHA will conduct a flat rent impact analysis to determine the percentage increase in the family's rent amount at each annual recertification. ~~The PHA will conduct a flat rent impact analysis to determine the percentage increase in the family's rent amount.~~ If the increase is greater than 35 percent, the PHA will phase in the rent increase at the maximum amount annually over a three-year period so that it does not exceed 35 percent in any year until the flat rent is fully phased in. If the increase is 35 percent or less, there will be no phase-in. [Notice PIH 2014-12].

Flat Rents and Earned Income Disallowance [A&O FAQs]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as

7-II.D. Family Relationships

Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

PHA Policy

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

PHA Policy

Certification by the head of household is normally sufficient verification. If the PHA has reasonable doubts about a marital relationship, the PHA will require the family to document the marriage with a marriage certificate or other documentation to verify that the couple is married.

~~A marriage certificate generally is required to verify that a couple is married.~~

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

PHA Policy

Certification by the head of household is normally sufficient verification. If the PHA has reasonable doubts about a divorce or separation, the PHA will require the family to provide documentation of the divorce, or separation: with a certified copy of a divorce decree, signed by a court officer; a copy of a court-ordered maintenance or other court record; or other documentation that shows a couple is divorced or separated.

~~A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.~~

~~A copy of a court-ordered maintenance or other court record is required to document a separation.~~

If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

PHA Policy

The PHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination the PHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements. If a family member has been self-employed less than three months, the PHA will accept the family member's certified estimate of income and schedule an interim reexamination in three months. If the family member has been self-employed for three to 12 months the PHA will require the family to provide documentation of income and expenses for this period and use that information to project income. The self-certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a notary public.

7-III.C. Periodic Payments ~~and~~ Payments In Lieu Of Earnings

Social Security/SSI Benefits

PHA Policy

To verify the SS/SSI benefits of applicants, the PHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member who receives social security benefits. If a family member is unable to provide the document, the PHA will help the applicant request ~~ask the family to obtain~~ a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by either by calling SSA at 1-800-772-1213 or by requesting one from www.ssa.gov ~~help the applicant request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213.~~ Once the family has received the original benefit verification letter, it will be required to provide the letter to the PHA.

To verify the SS/SSI benefits of residents, the PHA will obtain information about social security/SSI benefits through HUD's EIV system, and confirm with the resident(s) that the current listed benefit amount is correct. If the resident disputes the EIV-reported benefited amount, or if benefit information is not available in HUD systems, the PHA will request a current SSA benefit verification letter from each family member that receives social security benefits. If a family member is unable to provide the document, the PHA will help the applicant request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to the PHA.

PHA Policy

Any adult family member may attend the initial inspection and sign the inspection form for the head of household.

Move-Out Inspections [24 CFR 966.4(i)]

The PHA must inspect the unit at the time the resident vacates the unit and must allow the resident to participate in the inspection if he or she wishes, unless the tenant vacates without notice to the PHA. The PHA must provide to the tenant a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

PHA Policy

When applicable, the PHA will provide the tenant with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within 10 business days of conducting the move-out inspection.

Annual Inspections [24 CFR 5.705]

The PHA is required to inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS). Under the Public Housing Assessment System (PHAS), HUD's physical condition inspections do not relieve the PHA of this responsibility to inspect its units [24 CFR 902.20(d)]. Section 6(f)(3) of the United States Housing Act of 1937 requires that PHAs inspect each public housing project annually to ensure that the project's units are maintained in decent, safe, and sanitary condition. The PHA shall continue using the Uniform Physical Condition Standards (UPCS) in 24 CFR 5, Subpart G, Physical Condition Standards and Inspection Requirements, to conduct annual project inspections. These standards address the inspection of the site area, building systems and components, and dwelling units.

PHA Policy

The PHA will inspect all occupied units annually using HUD's Uniform Physical Condition Standards (UPCS).

Quality Control Inspections

The purpose of quality control inspections is to assure that all defects were identified in the original inspection, and that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

PHA Policy

The Maintenance Supervisor will be conduct quality control inspections in accordance with the PHA's maintenance plan.

Special Inspections

PHA Policy

PHA staff may conduct a special inspection for any of the following reasons:

- Housekeeping
- Unit condition
- Suspected lease violation
- Preventive maintenance
- Routine maintenance
- There is reasonable cause to believe an emergency exists

Other Inspections

PHA Policy

Building exteriors, grounds, common areas and systems will be inspected according to the PHA's maintenance plan.

8-II.C. Notice and Scheduling of Inspections

Notice of Entry

Non-emergency Entries [24 CFR 966.4(j)(1)]

The PHA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing. A written statement specifying the purpose of the PHA entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification.

PHA Policy

A "routine inspection" includes, without limitation, an annual inspection of the dwelling unit, monthly pest control treatment and any required follow up inspection necessary to assure compliance with the Housekeeping Standards and House Rules.

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The PHA will notify the resident in writing at least ~~48 hours~~ two (2) days prior to any non-emergency inspection.

Entry for repairs requested by the family will not require prior notice. Resident-requested repairs presume permission for the PHA to enter the unit.

Emergency Entries [24 CFR 966.4(j)(2)]

The PHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, the PHA must leave a written statement showing the date, time and purpose of the entry prior to leaving the dwelling unit.

Scheduling of Inspections

PHA Policy

Inspections will be conducted during business hours between 7:00 a.m. and 5:00 p.m. If a family needs to reschedule an inspection, they must notify the PHA at least 24 hours prior to the scheduled inspection. The PHA will reschedule the inspection no more than once unless the resident has a verifiable good cause to delay the inspection. The PHA may request verification of such cause.

Attendance at Inspections

Residents are required to be present for move-in inspections [24 CFR 966.4(i)]. There is no such requirement for other types of inspections.

PHA Policy

Except at move-in inspections, the resident is not required to be present for the inspection. The resident may attend the inspection if he or she wishes.

If no one is at home, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report in the unit.

8-II.D. Inspection Results

The PHA is obligated to maintain dwelling units and the project in decent, safe and sanitary condition and to make necessary repairs to dwelling units [24 CFR 966.4(e)].

Emergency Repairs [24 CFR 966.4(h)]

If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the tenant must immediately notify the PHA of the damage, and the PHA must make repairs within a reasonable time frame.

If the damage was caused by a household member or guest, the PHA must charge the family for the reasonable cost of repairs. The PHA may also take lease enforcement action against the family.

If the PHA cannot make repairs quickly, the PHA must offer the family standard alternative accommodations. If the PHA can neither repair the defect within a reasonable time frame nor

the policies in 8-I.F., Maintenance and Damage Charges.

Repeated or excessive damages to the unit beyond normal wear and tear will be considered a serious or repeated violation of the lease.

Utilities that are the resident's responsibility and are found not in service will be cause for a 5 five-day lease termination.

Notices of lease termination will also be issued to residents who purposely disengage the unit's smoke detector.

Housekeeping

PHA Policy

If a PHA determination is made on objective facts supported by written statements received by an eye witness, that a resident whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit, the PHA may serve a written notice of lease violation(s) to the resident.

The resident will have (?) business days from the effective date of the notice to correct the violation(s) or make a written request for a meeting to discuss the violation(s).

The resident's failure to correct the violation(s), request a meeting, or appear at the requested meeting will result in the resident being served a written lease termination.

~~Residents whose housekeeping habits pose a non-emergency health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease. In these instances, the PHA will provide an infraction notice of a lease violation.~~

~~If the violation still exists, a special inspection will be conducted. An appointment will be made to counsel the resident and a reinspection will be conducted within 14 days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a reinspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 13.~~

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Change in Unit Size

Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. The PHA may use the results of the annual reexamination to require the family to move to an appropriate size unit [24 CFR 960.257(a)(4)]. Policies related to such transfers are located in Chapter 12.

Criminal Background Checks [PIH Notice 2012-28]

~~HUD authorizes PHAs to perform criminal background checks during the annual recertification/reexamination to determine if a member of a participant's household is subject to a lifetime registration requirement under any State sex offender registration program. Additionally, PHAs must ask whether the tenant, or any member of the tenant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28]. The PHA may not pass along to the applicant the costs of a criminal records check [24 CFR 960.204(d)].~~

Information obtained through criminal background checks may be used for lease enforcement and eviction [24 CFR 5.903(e)(1)(ii)]. Criminal background checks of residents will be conducted in accordance with the policy in Section 13-IV.B.

PHA Policy

Each household member age 18 and over will be required to execute a consent form for a criminal background check as part of the annual reexamination process.

Additionally, HUD recommends that at annual reexaminations PHAs ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state [Notice PIH 2012-28].

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PHA Policy

At the annual reexamination, the PHA will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. The PHA will perform criminal background checks through local law enforcement or use the Dru Sjodin National Sex Offender database for all adult household members to verify the information provided by the tenant.

~~If the recertification screening reveals that the tenant has falsified information or otherwise failed to disclose criminal history on his/her full application and/or recertification forms, the PHA will pursue termination of assistance, as described in Chapter 13, Mandatory Termination of Assistance.~~

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If the PHA proposes to terminate assistance based on lifetime sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the

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accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)].
(See Chapter 13.)

Compliance with Community Service

For families who include nonexempt individuals, the PHA must determine compliance with community service requirements once each 12 months [24 CFR 960.257(a)(3)].

See Chapter 11 for the PHA's policies governing compliance with the community service requirement.

9-I.D. Effective Dates

As part of the annual reexamination process, the PHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information [24 CFR 960.257(a)(1)].

PHA Policy

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

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

If the PHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the PHA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the tenant rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the tenant rent that results from an annual reexamination will take effect on the family's anniversary date.

If the PHA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the PHA.

If the family causes a delay in processing the annual reexamination, *decreases* in the tenant rent will be applied prospectively, from the first day of the month

this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The PHA will require documentation of good cause for unit refusals.

12-IV.E. Deconcentration

PHA Policy

If subject to deconcentration requirements, the PHA will consider its deconcentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the PHA's deconcentration goals. A deconcentration offer will be considered a "bonus" offer; that is, if a resident refuses a deconcentration offer, the resident will receive one additional transfer offer.

12-IV.F. Reexamination Policies ~~f~~For Transfers

PHA Policy

The reexamination date will be changed to the first of the month in which the transfer took place.

The PHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

PHA Policy

The PHA will contract a hearing officer.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

PHA Policy

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

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to arrange for an interpreter to attend the hearing, at the expense of the family, or the PHA, as may be agreed upon by the two parties. If the family does not arrange for their own interpreter, the PHA is still obligated to provide oral translation services in accordance with its LEP Plan. The family is entitled to request an interpreter. The PHA is obligated to provide a competent interpreter, free of charge, upon request. The family may also or instead provide its own interpreter, at the expense of the family.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to provide a transcript of the hearing.

PHA Policy

The family will be allowed to have a copy of the informal hearing tape at a prepaid cost of \$5.00 per tape.

- equitable defense which the tenant may have
 - A decision on the merits
- **Hearing Officer/Panel** – a person/panel selected in accordance with HUD regulations to hear grievances and render a decision with respect thereto
- **Tenant** – the adult person (or persons) (other than a live-in aide)
 - Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
 - Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit
- **Resident Organization** – includes a resident management corporation

14-III.C. Applicability [24 CFR 966.51]

Grievances could potentially address most aspects of a PHA's operation. However, there are some situations for which the grievance procedure is not applicable.

The grievance procedure is applicable only to individual tenant issues relating to the PHA. It is not applicable to disputes between tenants not involving the PHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of the PHA.

If HUD has issued a due process determination, a PHA may exclude from the PHA grievance procedure any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of the PHA
- Any violent or drug-related criminal activity on or off such premises
- Any criminal activity that resulted in felony conviction of a household member

In states without due process determinations, PHAs must grant opportunity for grievance hearings for all lease terminations, regardless of cause, with the following exception: PHAs may use expedited grievance procedures for the first two of the three excluded categories listed above. These expedited grievance procedures are described in Section 14-III.E. below.

If HUD has issued a due process determination, the PHA may evict through the state/local judicial eviction procedures. In this case, the PHA is not required to provide the opportunity for a hearing under the PHA's grievance procedure as described above.

PHA Policy

The PHA is located in a due process state. The PHA is located in a HUD-declared due process state. Therefore, the PHA will not offer grievance hearings for lease terminations involving criminal activity that resulted in a felony conviction of a household member or

that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the PHA, or for violent or drug-related criminal activity on or off the premises.

See Chapter 13 for related policies on the content of termination notices.

14-III.D. Informal Settlement of Grievance [24 CFR 966.54]

HUD regulations state that any grievance must be personally presented, either orally or in writing, to the PHA office or to the office of the housing development in which the complainant resides so that the grievance may be discussed informally and settled without a hearing.

PHA Policy

The PHA will accept requests for an informal settlement of a grievance either orally or in writing, to the PHA office within 10 business days of the grievable event. Within 10 business days of receipt of the request the PHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant.

If a tenant fails to attend the scheduled meeting without prior notice, the PHA will reschedule the appointment only if the tenant can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

HUD regulations require that a summary of such discussion will be prepared within a reasonable time and one copy will be given to the tenant and one retained in the PHA's tenant file.

The summary must specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore, and will specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

PHA Policy

The PHA will prepare a summary of the informal settlement within 5 business days; one copy to be given to the tenant and one copy to be retained in the PHA's tenant file.

For PHAs who have the option to establish an expedited grievance procedure, and who exercise this option, the informal settlement of grievances is not applicable to those grievances for which the expedited grievance procedure applies.

14-III.E. Procedures To Obtain A Hearing [24 CFR 966.55]

Requests for Hearing and Failure to Request [24 CFR 966.55(a), (c), and (d)]

All grievances must be presented in accordance with the informal procedures prescribed above

16-V.B. Record Retention

The PHA must keep the last three years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three years from the end of participation (EOP) date [24 CFR 908.101].

Notice PIH 2014-20 requires the PHA to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

PHA Policy

During the term of each public housing tenancy, and for at least ~~three~~ five years thereafter, the PHA will keep all documents related to a family's eligibility, tenancy, and termination.

In addition, the PHA will keep the following records for at least three years:

- An application from each ineligible family and notice that the applicant is not eligible
- Lead-based paint records as required by 24 CFR 35, Subpart B
- Documentation supporting the establishment of flat rents and the public housing maximum rent
- Documentation supporting the establishment of utility allowances and surcharges
- Documentation related to PHAS
- Accounts and other records supporting PHA budget and financial statements for the program
- Complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule
- Other records as determined by the PHA or as required by HUD
- ~~Notice PIH 2014-20 requires PHAs to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.~~

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PHA Policy

~~All documents related to a family's tenancy, and termination will be kept at least for five years.~~

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If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 14-II.A.

A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]

PHAs are required to inform public housing applicants and tenants of their rights under VAWA, including their right to confidentiality and the limits thereof when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

PHA Policy

The PHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. The PHA will also include such information in all notices of denial of assistance (see section 3-III.F).

The PHA will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual reexamination. The PHA will also include such information in all lease termination notices (see section 13-IV.D).

The VAWA information provided to applicants and tenants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

The PHA is not limited to providing VAWA information at the times specified in the above policy. If the PHA decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

PHA Policy

Whenever the PHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

Progress Report on Five-Year Plan

The City of Chandler Housing and Redevelopment Division has worked toward achieving the goals outlined in the Five-Year Plan. Staff and Council/Public Housing Authority Commission have embraced the challenging steps involved in working toward promoting affordable housing, creating opportunities for economic self-sufficiency and the availability of an affordable living environment free from discrimination.

Progress towards each goal in the five-year plan ending 2015

Goal One: Assist the availability of affordable, decent, safe and affordable housing.

Since the late 1990's and through the early 2000's the City of Chandler, Housing Division applied for Housing Choice Vouchers (HCV) when the opportunity arose. While the opportunities to increase our voucher count have not existed in a long time, the Housing Division has managed to utilize close to 100 percent of the vouchers HUD has allocated to Chandler during this period. In an economic environment that has presented our programs with uncertainties in HUD funding, the Housing Choice Voucher program families served has been fairly steady. The Housing Choice Voucher program budget is consistently managed to assure that Chandler has the best chance to utilize all 486 vouchers.

The vacancy rate for Public Housing continued to remain steady, with only approximately a 1.5% vacancy rate over the preceding annual term. Significant improvement in the vacancy rate is difficult to achieve, due to the migratory nature of the low-income population that we serve. Staff continues to monitor this area daily to turn units around and fill vacancies as quickly as possible. This year, staff has improved unit turnaround times by 5 percent.

Over the past five-years, the City of Chandler acquired three (3) 2-bedroom unit condos as part of our non-federally subsidized homes. These units are in HOA communities and will be rented at below market rents that will be affordable to families that make between 50%-80% of area medium income. They are currently providing a new nonfederal income stream for our Division.

The Housing Division also owns two Townhomes that were acquired with HOME funds. The two and three bedroom units will supply additional affordable housing for families that earn less than 80% of area medium income for 15 years.

Last year, the Housing Division acquired a vacant residential lot and in January will break ground to construct a new affordable rental duplex that will assist two additional families with affordable housing. This project is anticipated to be completed by May of 2016.

We are a high performing Housing Authority in the Low Rent Public Housing Program and have been for the past 5 years.

Goal Two: Improve community quality of life and economic vitality.

At the time of the publication of this report, the City of Chandler, Housing and Redevelopment Division was recognized as a High Performing Housing Authority with a PHAS score of 93 in Public Housing. With the exception of 2004 and the initial year of an advisory assessment, the Authority has been high performing.

In the last five-years, ending FY 2014, the City of Chandler has invested considerable time and resources in training staff to become knowledgeable in the new methods necessary to promote a good work environment for employees that will ultimately benefit the customer. The Authority continues to upgrade our housing software systems and our Web Page that was launched in 2008 just moved "in house". The subscription use and links to "Go Section8.com" are new tools that have been a significant asset to staff, the public and other housing entities.

The Housing Authority operates in a fiscally prudent manner. The City of Chandler general fund contributes \$135,000 in annual ongoing funding, to support and help shore up the HUD Public Housing shortfall in subsidy. Our current Public Housing reserve is over one million dollars. These actions have helped to stabilize our maintenance and administrative financial picture. Staff has also been successful in getting and implementing CDBG grants for both the Capital Program and the Housing Youth program. These grant funds augment and improve both our housing stock and service offerings for our Public Housing Youth Program.

Management staff is keeping an eye towards diversifying financial interests in our HUD portfolio. Tax Credit projects may play a role in transforming the Housing Authority's revenue stream in the future.

Staff will continue to work towards expanding the availability and improving the overall quality of the affordable housing stock by continuing to modernize public housing and supporting efforts to improve the overall quality of the general housing stock. In 2014, the Housing Authority was successful in keeping our elderly Kingston Arms Apartments designated for the elderly. We also continue to upgrade fencing and landscaping at our sites, which adds both to security and curb appeal of our housing products.

Chandler has expanded the housing programs stock through the creation of housing location maps, landlord outreach, and by consistently monitoring the payment standard for the Housing Choice Voucher program. In 2015, our Housing Division adjusted the payment standards to adjust for the recent increases in our local market rents.

We also work closely with nonprofit homeownership programs and our Family Self-Sufficiency (FSS) Program to create Individual Development Account opportunities and FSS Escrow accounts to provide both financial and education support to prospective new homeowners.

Through the upgrades and exterior improvements made to the public housing units, the tenants have a renewed respect for the developments. Lighting improvements, fencing improvements and new landscaping have increased the overall security and look of each development. Our flat rent program encourages higher income residents to stay or join the public housing program. Our partnership with the Chandler Police Department also provides a direct link to their resources to help screen all tenants and to address and mitigate problems as they arise. The resident council has also become attuned to making

suggestions on improving the housing living environment in conjunction with the resident beautification participants.

Goal Three: Promote self-sufficiency and asset development of families and individuals.

The Housing Authority has annually applied for and received a Public Housing/Housing Choice Voucher Family Self-Sufficiency Coordinator grant since FY 2011. This program strengthens our existing Housing Choice Voucher and Public housing programs and provides additional links to accredited higher education and job training skills. Currently 120 families participate in the FSS programs.

Most discretionary policies and programs are created to promote self-sufficiency of tenants through a system of comprehensive supportive programs. Staff works to assist housing residents that need assistance by matching resources to promote tenant education and self-sufficiency. Our principle mission is “affordable, decent, safe, and sanitary housing” in conjunction with meeting HUD rules and policies augmented with preferential local controls. We support this mission through other social service/educational programs, which include the Family Investment Center, Youth Recreation Program, the Capital Improvement Program, and Social Service partnerships with other social service providers.

We have set systems in place to maintain a high voucher utilization rate and plan to work within the HUD guidelines to maximize the utilization of the Housing Choice Voucher program vouchers and/or budget. Maintaining our utilization rate will continue to be a challenge in 2016, as we work to maintain our ability to service those in need with the peculiar demands of managing varying cost within a budget based system of funding. In 2016, the Chandler Housing Division is cautiously optimistic in our outlook for our next HUD budget allocation.

Goal Four: Ensure Equal Opportunity in Housing for all Americans.

In 2015, the Housing Authority purged the Public Housing and Housing Choice Voucher waiting list for the first time in 2 ½ years. The waiting list for Public Housing continued to be open during 2015 and the Housing Choice Voucher waiting list opened in early January for a one week period. When we open waiting lists, the information is published in the Arizona Republic (English) and in a Spanish newspaper. Large portions of our clientele primarily speak Spanish and staff wants to reach out to this community. Many of our forms and publications are available in English and Spanish. The Public Housing waiting list for low-rent housing continues to be a resource for potential residents. As mentioned earlier, Chandler Housing Authority has an elderly designated apartment complex. This assures that the elderly have a living environment that is suitable and sustainable for their specialized needs. In 2008, we expanded our senior housing options by operating a 4-unit scattered site senior program that complements our existing public housing program. The new Scattered Site Senior Housing program caters to a senior population that makes just under the 80% of area median income. This program is based on an annual flat affordable rent that is not subsidized by HUD.

Mrs. Lorraine Trow
Mail Stop 101
P.O. Box 4008
Chandler, AZ. 85244-4008
February 16, 2016

Attachment D

RECEIVED
CITY OF CHANDLER HOUSING

7001 FEB 23 PM 3:35

Dear Mrs. Trow:

The following suggestions and comments of a (RAB) member after careful review of the revised pages of the Administrative Plan ie. Housing Choice Voucher and Smoke Free Policy:

Reference pg. 3-13 Mandatory Denial of Assistance

[24 CFR 982.553 (a.)]

under PHA Policy we suggest a change be made to the second sentence to read as follows:

(assisted housing in the past for drug related criminal activity, if...)

Reference pg. 3-19 Criminal Activity

[24 CFR 982.553]

under PHA Policy we suggest a change be made to the second sentence to read as follows:

(criminal activities in the past, the family will be denied assistance.)

Reference pg. 3-20

under "Convictions" and Bullet Point #2 we suggest a change be made to read ("in the past.") Also, under "criminal activity" please add to the list (sexual assault.)

Administrative Plan review continued:

Chapter 5

Page 5-1 "Briefing Packet"

It is our strong recommendation the (Draft) of the Non-Smoking Policy be included and signed by potential new tenants of federally subsidized housing.

Page 10-6 - First paragraph, fifth sentence delete the "d" on the word approve.

Page 12-16 "Evidence of Criminal Activity" First paragraph - the term "covered person" terminology is unclear, is it possible to re-write that entire paragraph for ease of understanding with clarity of thought?

Page 13-4 "HUD 24 CFR 982.305(a)"
Do we need to change "The PTA will inspect the owner's dwelling annually to bi-annually,?"

Page 10-1 Chapter 10

Unless otherwise annotated we agree with additions and deletions.

Page 16-28 Part IX VAWA: Notification, Documentation, Confidentiality.

Page 16-38 Additional Information

Administrative Plan review continued:

Page 16-38 Part IX VAWA Notification,
Documentation, Confidentiality.

Page 16-38 Additional Information
First sentence "If you have any
questions regarding VAWA please
contact" _____ "is left blank.

Thank you for the privilege of serving on the
RAB Advisory Board. Hopefully our feedback
can be somewhat helpful.

In our humble opinion the overall Administrative
Plan's additions and deletions is a well written
document.

Respectfully submitted, on the 16th day of
February 2016.

Barbara J. Schulz

Barbara J. Schulz
PO Box 1435
Chandler, AZ 85214
(480) 397-1782

(1)

To Lorraine Trow

February 22, 2016

I think that the Family Site Smoke Free Policy is a good idea because: It would be a lot nicer and cleaner, inside and out, if everyone complied to it.

Right now, you can't walk anywhere on the premises without seeing a lot of cigarette butts. The inside of the unit would have a lot cleaner and healthier atmosphere, too. (and smell better) It would be a lot safer without people disconnecting the smoke alarms.

Smoking is an expensive habit and people would save a lot of money if they stopped.

My question is: If other local Public Housing sites (in Maricopa County for example) have tried it, did it turn out well?

Evelyn Vake ⁰nyela

Site 1 apt 45

To Lorraine Trow

I am not totally sure how "The Housing Choice Voucher Program" would work. Is the main purpose for the people who would ^{like to} move to a different ^{area} like Tucson etc?

Evelyn Valenzuela

Site 1 apt. 45

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CITY OF PHOENIX
2014 APR 22 10:46:07

Comments

- ① Mentioning Marijuana Smoke,
- ② Animal Feces; Smells
- ③ And other Strange Smells,
That can be airborne, Also
- ④ That can cause health
problems to those with
allergies. and cause
unhealthy germs.

I use a disinfectant spray!

<u>W. E. Smith</u>	<u>2-16-14</u>	_____	_____
Resident	Date	Resident	Date
_____	_____	_____	_____
Resident	Date	Resident	Date

CITY OF ...



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OFFICE OF PUBLIC HOUSING

2015 JUN 13 10 14 AM

Office of Public and Indian Housing

U.S. Department of Housing and Urban Development

Phoenix Field Office
One North Central, Suite 600
Phoenix, Arizona 85004-4414
www.hud.gov/arizona.html

Attachment E

June 8, 2015

Mr. Kurt Knutson
Housing and Redevelopment Manager
Chandler Housing and Redevelopment Division
235 South Arizona Avenue
Chandler, AZ 85225-7525

Subject: Fiscal Year 2015 5-Year/Annual Public Housing Agency (PHA) Plan
Submission – AZ028v1 Approved

Dear Mr. Knutson:

This letter is to inform you that the Chandler Housing and Redevelopment Division's (CHRD) FY 2015 5-Year/Annual Public Housing Agency (PHA) Plan submission AZ028v1 is approved. The approval of the 5-Year/Annual Plan does not constitute an endorsement of the strategies and policies outlined in the Plan. In providing assistance to families under programs covered by the Plan, the PHA will comply with the rules, standards, and policies established in its Plan, as provided in 24 CFR Part 903 and other applicable regulations.

The approved Plan and all required attachments and documents must be made available for review and inspection at the principal office of the PHA during normal business hours. HUD also will make an electronic version of the CHRD's approved Plan available for public display on HUD's PHA Plans Web page at the following address:
<http://www.hud.gov/pih/pha/plans/phaps-home.html>. Once posted, your Plan will remain on display until the next submitted Plan (whether next year's plan or an intervening significant amendment or modification) is approved by HUD.

If you have any questions regarding your 2015 PHA Plan or the information in this letter, please contact Nicole Green-Catten, Portfolio Management Specialist at (602) 379-7145 or via e-mail nicole.d.green-catten@hud.gov.

Sincerely,

Barbara Gallegos
Director



RECEIVED
OFFICE OF PUBLIC HOUSING
APR 22 2015

U.S. Department of Housing and Urban Development
Phoenix Field Office
One North Central, Suite 600
Phoenix, Arizona 85004-4414
www.hud.gov/arizona.html

OFFICE OF PUBLIC HOUSING

April 22, 2015

Mr. Kurt Knutson
Manager
Chandler Housing and Redevelopment Division
Mail Stop 101, P.O. Box 4008
Chandler, AZ 85244-4008

**SUBJECT: Fiscal Year (FY) 2015 Capital Fund Plan Submission – AZ20P02850115,
AZ20P02850115, AZ20P02850115 - Approval**

Dear Mr. Knutson:

This letter is to inform you that the Chandler Housing and Redevelopment Division (CHRD) FY 2015 Capital Fund Plan Submission for AZ20P02850115, AZ20P02850115 and AZ20P02850115, is approved. The approval of the Capital Fund Plan does not constitute an endorsement of the strategies and policies outlined in the Plan. In providing assistance to families under programs covered by the Plan, the PHA will comply with the rules, standards, and policies established in its Plan, as provided in 24 CFR Part 905 and other applicable regulations. The Plan has been reviewed for: (1) Completeness of required information; (2) Consistency with the information and data available to HUD; and (3) Compliance with the provisions of the Public Housing Reform Act or other applicable Federal law.

The approved Plan and all required attachments and documents must be made available for review and inspection at the principal office of the PHA during normal business hours.

In accordance with 24 CFR § 905.308, Federal requirements applicable to all Capital Fund activities, please note that the PHA shall comply with the requirements of 24 CFR part 5 (General HUD Program Requirements; Waivers), 24 CFR part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments), and this Part. The PHA shall also comply with the following program requirements:

- (1) *Nondiscrimination and equal opportunity.* The PHA shall comply with all applicable nondiscrimination and equal opportunity requirements, including, but not limited to, the Department's generally applicable nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a) and the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*), and its implementing regulations at 24 CFR Parts 40 and 41. The PHA shall affirmatively further fair housing in its use of funds under this part, which includes, but is not limited to, addressing modernization and development in the completion of requirements at 24 CFR 903.7(o).
- (2) *Environmental requirements.* All activities under this part are subject to an environmental review by a responsible entity under HUD's environmental regulations at 24 CFR part 58 and must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.*) and the related laws and authorities listed at 24 CFR 58.5.
- (3) *Wage rates.*
 - (i) *Davis-Bacon wage rates.* For all work or contracts exceeding \$2,000 in connection with development activities or modernization activities (except for non-routine maintenance work, as defined in 24 CFR § 905.200(b)(5) of this part), all laborers and mechanics employed on the construction, alteration, or repair shall be paid not less than the wages prevailing in the locality, as determined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 3142).
 - (ii) *HUD-determined wage rates.* For all operations work and contracts, including routine and non-routine maintenance work (as defined in 24 CFR § 905.200(b)(5) of this part), all laborers and mechanics employed shall be paid not less than the wages prevailing in the locality, as determined or adopted by HUD pursuant to section 12(a) of the 1937 Act, 42 U.S.C. 1437j(a).
 - (iii) *State wage rates.* Preemption of state prevailing wage rates as provided at 24 CFR 965.101.

Also, in accordance with 24 CFR § 905.314, Cost and other limitations, the following apply:

- (j) *Types of labor.* A PHA may use force account labor for development and modernization activities if included in a CFP 5-Year Action Plan that is approved by the PHA Board of Commissioners and HUD. HUD approval to use force account labor is not required when the PHA is designated as a high performer under PHAS.

It has been a pleasure to assist you in this important matter. Should you have any questions or require assistance, please contact Nicole Green-Catten, Portfolio

Management Specialist of my staff at (602) 379-7145 or by email at nicole.d.greencatten@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barbara Gallegos', with a long horizontal flourish extending to the right.

Barbara Gallegos
Director
Office of Public Housing

2015 Capital Fund

**Capital Fund Program
(CFP) Amendment
To The Consolidated Annual Contributions
Contract (form HUD-53012)**

**U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing**

Whereas, (Public Housing Authority)	Chandler Housing & Redevelopment Division	AZ028	(herein called the "PHA")
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and the United States of America, Secretary of Housing and Urban Development (herein called "HUD") entered into Consolidated Annual Contributions Contract(s) ACC(s) Number(s) SF-440 dated 12/5/1995

Whereas, HUD has agreed to provide CFP assistance, upon execution of this Amendment, to the PHA in the amount to be specified below for the purpose of assisting the PHA in carrying out development, capital and management activities at existing public housing projects in order to ensure that such projects continue to be available to serve low-income families. HUD reserves the right to provide additional CFP assistance in this FY to the PHA. HUD will provide a revised ACC Amendment authorizing such additional amounts.

\$ 378,230.00 for Fiscal Year 2015 to be referred to under Capital Fund Grant Number AZ20P02850115
PHA Tax Identification Number (TIN): On File DUNS Number: On File

Whereas, HUD and the PHA are entering into the CFP Amendment Number 49

Now Therefore, the ACC(s) is (are) amended as follows:

1. The ACC(s) is (are) amended to provide CFP assistance in the amount specified above for development, capital and management activities of PHA projects. This CFP Amendment is a part of the ACC(s).

2. The PHA must carry out all development, capital and management activities in accordance with the United States Housing Act of 1937 (the Act), 24 CFR Part 905 (the Capital Fund Final rule) published at 78 Fed. Reg. 63748 (October 24, 2013), as well as other applicable HUD requirements, except that the limitation in section 9(g)(1) of the Act is increased such that the amount of CFP assistance provided for under this CFP amendment only, the PHA may use no more than 25 percent for activities that are eligible under section 9(e) of the Act only if the PHA's HUD-approved Five Year Action Plan provides for such use; however, if the PHA owns or operates less than 250 public housing dwelling units, such PHA may continue to use the full flexibility in section 9(g)(2) of the Act.

3. The PHA has a HUD-approved Capital Fund Five Year Action Plan and has complied with the requirements for reporting on open grants through the Performance and Evaluation Report. The PHA must comply with 24 CFR 905.300 of the Capital Fund Final rule regarding amendment of the Five Year Action Plan where the PHA proposes a Significant Amendment to the Capital Fund Five Year Action Plan.

4. For cases where HUD has approved a Capital Fund Financing Amendment to the ACC, HUD will deduct the payment for amortization scheduled payments from the grant immediately on the effective date of this CFP Amendment. The payment of CFP funds due per the amortization scheduled will be made directly to a designated trustee within 3 days of the due date.

5. Unless otherwise provided, the 24 month time period in which the PHA must obligate this CFP assistance pursuant to section 9(f)(1) of the Act and 48 month time period in which the PHA must expend this CFP assistance pursuant to section 9(g)(5) of the Act starts with the effective date of this CFP amendment (the date on which CFP assistance becomes available to the PHA for obligation). Any additional CFP assistance this FY will start with the same effective date.

6. Subject to the provisions of the ACC(s) and paragraph 3, and to assist in development, capital and management activities, HUD agrees to disburse to the PHA or the designated trustee from time to time as needed up to the amount of the funding assistance specified herein.

7. The PHA shall continue to operate each public housing project as low-income housing in compliance with the ACC(s), as amended, the Act and all HUD regulations for a period of twenty years after the last disbursement of CFP assistance for modernization activities for each public housing project or portion thereof and for a period of forty years after the last distribution of CFP

assistance for development activities for each public housing project and for a period of ten years following the last payment of assistance from the Operating Fund to each public housing project. However, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing project(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, no disposition of any project covered by this amendment shall occur unless approved by HUD.

8. The PHA will accept all CFP assistance provided for this FY. If the PHA does not comply with any of its obligations under this CFP Amendment and does not have its Annual PHA Plan approved within the period specified by HUD, HUD shall impose such penalties or take such remedial action as provided by law. HUD may direct the PHA to terminate all work described in the Capital Fund Annual Statement of the Annual PHA Plan. In such case, the PHA shall only incur additional costs with HUD approval.

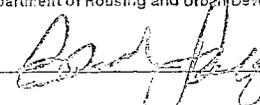
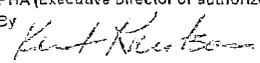
9. Implementation of use of funding assistance provided under this CFP Amendment is subject to the attached corrective action order(s).
(mark one): Yes No

10. The PHA is required to report in the format and frequency established by HUD on all open Capital Fund grants awarded, including information on the installation of energy conservation measures.

11. If CFP assistance is provided for activities authorized pursuant to agreements between HUD and the PHA under the Rental Assistance Demonstration Program, the PHA shall follow such applicable statutory authorities and all applicable HUD regulations and requirements. For total conversion of public housing projects, the provisions of Section 7 of the ACC shall remain in effect for so long as HUD determines there is any outstanding indebtedness of the PHA to HUD which arose in connection with any public housing projects(s) under the ACC(s) and which is not eligible for forgiveness, and provided further that, no disposition or conversion of any public housing project covered by these terms and conditions shall occur unless approved by HUD. For partial conversion, the PHA shall continue to operate each non-converted public housing project as low-income housing in accordance with paragraph 7.

12. CFP assistance provided as an Emergency grant or a Safety and Security grant shall be subject to a 12 month obligation and 24 month expenditure time period. CFP assistance provided as a Natural Disaster grant shall be subject to a 24 month obligation and 48 month expenditure time period. The start date shall be the date on which such funding becomes available to the PHA for obligation. The PHA must record the Declaration(s) of Trust within 60 days of the effective date or HUD will recapture the funds.

The parties have executed this CFP Amendment, and it will be effective on 4/13/2015. This is the date on which CFP assistance becomes available to the PHA for obligation.

U.S. Department of Housing and Urban Development By:  Title: <u>Public Housing Director</u> Date: <u>4/13/2015</u>	PHA (Executive Director or authorized agent) By:  Title: <u>Housing & Redevelopment Management</u> Date: <u>03/03/2015</u>
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Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

Part I: Summary		
PHA Name: Chandler Housing & Redevelopment Division	Grant Type and Number Capital Fund Program Grant No: AZ20P02850115 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2015-2016 FFY of Grant Approval:

Type of Grant
 Original Annual Statement
 Performance and Evaluation Report for Period Ending:
 Reserve for Disasters/Emergencies
 Revised Annual Statement (revision no:
 Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFF Funds				
2	1406 Operation (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 20)	\$ 87,500.00			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$6,000.00			
8	1440 Site Acquisition				
9	1450 Site Improvements	\$ 35,000.00			
10	1460 Dwelling Structures	\$ 280,730.00			
11	1465.1 Dwelling Equipment - Nonexpendable	\$40,000.00			
12	1470 Non-Dwelling Structures				
13	1475 Non Dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised annual Statement.
³ PHIA's with under 250 units in management may use 100% of CFF Grants for operations.
⁴ RHF Funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 06/30/2017

Part I: Summary					
PHA Name: Chandler Housing & Redevelopment		Grant Type and Number: Capital Fund Program Grant No: AZ20P02850115			FFY of Grant: 2015-2016
Division:		Replacement Housing Factor Grant No:			FFY of Grant Approval:
Type of Grant <input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no: <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of annual Grant (sum of lines 2 - 19)	\$ 378,230.00			
21	Amount of line 20 related to LBP Activities				
22	Amount of line 20 related to Section 504 Activities				
23	Amount of line 20 related to Security - Soft Costs				
24	Amount of line 20 related to Security - Hard Costs				
25	Amount of line 20 related to Energy Conservation Measures	\$ 162,730.00			
Signature of Executive Director <i>Kurt Knutson</i>		Date 03/03/2015	Signature of Public Housing Director <i>[Signature]</i>		Date 4/13/2015

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised annual Statement.
³ PHA's with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RIIF Funds shall be included here.

Part II: Support Pages								
PHA Name: Chandler housing & Redevelopment Division		Grant Type and Number Capital Fund Program Grant No: AZ20P0285015 CFPP (Yes / No): No Replacement Housing Factor Grant No:			Federal FFY of Grant: 2015-2016			
Development Number Names / PHA - Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
AZ028/AMP 1	Interior Building Improvements (Kitchen & Bath Cabinets, Tubs, Tub Surrounds, A/C Units & Ductwork, Doors, Electrical Upgrades, Painting, Water & Sewer) Line replacement, Water Heater)	1460	20 Units	\$ 60,000.00				
	Exterior Building Improvements (Roofs, Siding & Trim, Painting, Electrical Upgrades, Stucco, A/C Units, Doors, Sewer & Water Line Replacement, Recreation Building Upgrades)	1460	8 Buildings	\$ 62,000.00				
	Site & Grounds Improvements (Landscape Granite, Trees, Concrete Work, Basketball Court Repairs, Irrigation Repairs, Playground Equipment, Sewerline Repairs, Asphalt, Site Security)	1450	4 Sites	\$ 10,000.00				
	Architect, Engineering & Permit Fees	1430	10 Units	\$3,000.00				
	Dwelling Equipment-Appliances	1455.1	40 Units	\$20,000.00				
			Sub Total	\$ 155,000.00				

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

² To be completed for the Performance and Evaluation Report.

Part II: Support Pages								
PHA Name: Candler housing & Redevelopment Division		Grant Type and Number Capital Fund Program Grant No: AZ20P02850115 CFFP (Yes / No): No Replacement Housing Factor Grant No:			Federal FFY of Grant: 2015-2016			
Development Number Names / PHA - Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
AZ028/AMP 2	Interior Building Improvements (Kitchen & Vanity Cabinets, Tubs, Tub Surrounds, Doors, Electrical Upgrades, Painting, Flooring, Water & Sewer Line Replacement, HVAC Ductwork)	1460	36 Units	\$82,730.00				
	Exterior Building Improvements (Roofs, Siding & Trim, Painting, Electrical Upgrades, Stucco, Doors, A/C Units, Repairs, Windows, Sewer & Water Lines)	1460	7 Buildings	\$55,000.00				
	Site & Grounds Improvements (Landscape Granite, Trees, Concrete Work, Painting, Sewer & Water Line Repair, Masonry Fencing, Shrubs)	1450	5 Sites	\$25,000.00				
	Architect, Engineering & Permit Fees	1430	1 House	\$3,000.00				
	Dwelling Equipment-Appliances	1465.1	40 Units	\$20,000.00				
			Sub Total	\$185,730.00				

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

² To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Chandler Housing & Redevelopment Division				Federal FFY of Grant: 2015-2016	
Development Number Name / PHA - Wide Activities	All Funds Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates ¹
	Original Obligation Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
AMP 1					
Interior Building Improvements (Kitchen & Bath Cabinets, Tubs, Tub Surrounds, A/C Units/Ductwork, Doors, Elec. Upgrades, Painting, Water & Sewer) Line replacement, Water Heater)	4/12/2017		4/12/2019		
Exterior Building Improvements (Roofs, Siding & Trim, Painting, Elec. Upgrades, Stucco, A/C Units, Doors, Sewer & Water Line Replacement, Recreation Building Upgrades)	4/12/2017		4/12/2019		
Site & Grounds Improvements (Landscape Granite, Trees, Concrete, Basketball Court Repairs, Irrigation Rep, Playground Equipment, Sewerline Rep, Asphalt, Site Security)	4/12/2017		4/12/2019		
Architect, Engineering & Permit Fees	4/12/2017		4/12/2019		
Dwelling Equipment-Appliances	4/12/2017		4/12/2019		

¹ Obligation and expenditures end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1987, as amended.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Chandler Housing & Redevelopment Division				Federal FFY of Grant: 2015-2016	
Development Number Name / PHA - Wide Activities	All Funds Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates ¹
	Original Obligation Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
AMP 2					
Interior Building Improvements (Kitchen & Vanity Cabinets, Tubs, Tub Surrounds, Doors, Electrical Upgrades, Painting, Flooring, Water & Sewer Line Replacement, HVAC Ductwork)	4/12/2017		4/12/2019		
Exterior Building Improvements (Roofs, Siding & Trim, Painting, Elec. Upgrades, Stucco, Doors, A/C Units, Repairs, Windows, Sewer/Water Lines)	4/12/2017		4/12/2019		
Site & Grounds Improvements (Landscape Granite, Trees, Concrete, Painting, Sewer & Water Line Repair, Masonry Fencing, Shrubs)	4/12/2017		4/12/2019		
Architect, Engineering & Permit Fees	4/12/2017		4/12/2019		
Dwelling Equipment-Appliances	4/12/2017		4/12/2019		

¹ Obligation and expenditures end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1987, as amended.

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
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Part I: Summary						
PHA Name/Number City of Chandler Housing and Redevelopment		Locality (City/County & State) Chandler, Arizona			<input checked="" type="checkbox"/> Original 5-Year Plan	<input type="checkbox"/> Revision No:
A.	Development Number and Name	Work Statement for Year 1 FFY 2015-2016	Work Statement for Year 2 FFY 2016-2017	Work Statement for Year 3 FFY 2017-2018	Work Statement for Year 4 FFY 2018-2019	Work Statement for Year 5 FFY 2019-2020
	AZ028/AMP 1		\$2,100,000.00	\$2,280,000.00	\$2,280,000.00	\$2,100,000.00
	AZ028/AMP 2		\$1,950,000.00	\$2,050,000.00	\$2,050,000.00	\$1,950,000.00
B.	Physical Improvements Subtotal		\$4,050,000.00	\$4,330,000.00	\$4,330,000.00	\$4,050,000.00
C.	Management Improvements		\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	
D.	PHA-Wide Non-dwelling Structures and Equipment					
E.	Administration		\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00
F.	Other					
G.	Operations		\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
H.	Demolition					
I.	Development		\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
J.	Capital Fund Financing - Debt Service					
K.	Total CFP Funds		\$4,176,000.00	\$4,456,000.00	\$4,456,000.00	\$4,170,000.00
L.	Total Non-CFP Funds		\$0.00	\$0.00	\$0.00	\$0.00
M.	Grand Total		\$4,176,000.00	\$4,456,000.00	\$4,456,000.00	\$4,170,000.00

Kurt Krutson 01/07/2015

Capital Fund Program—Five-Year Action Plan

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Part II: Supporting Pages – Physical Needs Work Statement(s)						
Work Statement for Year 1 FFY	Work Statement for Year 2 FFY 2016-2017			Work Statement for Year 3 FFY 2017-2018		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See Appendix Statement	AMP 1			AMP 1		
	INTERIOR BUILDING IMPROVEMENTS (Kitchen Cabinets, Tubs, Tub Surrounds, Toilets A/C Ductwork, Entrance & Interior Doors, Electrical Upgrades, Closet Upgrade, Water & Sewer Line Replacement, Hot Water Tank Upgrades, Appliance Replacement, Painting, GPNA & Energy Audit)	4-Sites	\$ 650,000.00	INTERIOR BUILDING IMPROVEMENTS (Kitchen Cabinets, Tubs, Tub Surrounds, Toilets A/C Ductwork, Entrance & Interior Doors, Flooring, Electrical Upgrades, Storage Upgrade, Water & Sewer Line Replacement, Energy Saving Upgrades, Appliance Replacement, Painting)	4-Sites	\$ 710,000.00
	AMP 1			AMP 1		
	EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding & Trim Replacement, Painting, Electrical Upgrades, Foundation Repair, Recreation Building Upgrades, Sewer & Water Line Replacement, Doors)	4 Sites	\$ 650,000.00	EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding & Trim Replacement, Painting, Electrical Upgrades, Foundation Repair, Recreation Building Upgrades, Sewer & Water Line Replacement, Doors, Energy Saving Upgrades)	4 Sites	\$ 710,000.00
	AMP 1			AMP 1		
	SITE AND GROUNDS IMPROVEMENTS (Landscape Granite, Tree Replacement, Shrubs, Irrigation, Playground Equipment, Sewer Line Replacement, Site Security, Basketball Court Repair, Concrete Replacement)	4 Sites	\$ 800,000.00	SITE AND GROUNDS IMPROVEMENTS (Landscape Granite, Tree Replacement, Shrubs, Irrigation, Playground Equipment, Sewer Line Replacement, Site Security, Basketball Court Repair, Concrete Replacement, Site Security)	4 Sites	\$ 860,000.00
	AMP 1			AMP 1		
	Sub Total of Estimated Cost		\$2,100,000.00	Sub Total of Estimated Cost		\$2,280,000.00

Capital Fund Program—Five-Year Action Plan

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Part II: Supporting Pages – Physical Needs Work Statement(s)							
Work Statement for Year 1 FFY	Work Statement for Year: 4 FFY 2018-2019			Work Statement for Year: 5 FFY 2019-2020			
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	
Asset Statement	AMP 1			AMP 1			
	INTERIOR BUILDING IMPROVEMENTS (Kitchen & Bath Cabinet & Countertop Replacement, Tubs, Tub Surrounds, Toilets, A/C Ductwork, Entrance & Interior Doors, Flooring, Electrical Upgrades, Closet Upgrade, Water & Sewer Line Replacement, ADA Upgrades)	4-Sites	\$ 710,000.00	INTERIOR BUILDING IMPROVEMENTS (Kitchen Cabinets, Tubs, Tub Surrounds, Toilets, A/C Ductwork, Entrance & Interior Doors, Electrical Upgrades, Closet Upgrades, Water & Sewer Line Replacement, Water Heater, Appliance Replacement, Painting, Architectural, Engineering, Permits, Inspections)	4-Sites	\$ 650,000.00	
	AMP 1			AMP 1			
	EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding & Trim Replacement, Stucco Siding, Painting, Electrical Upgrades, Recreation Building Upgrades, Sewer & Water Line Replacement, Doors, Gas Line Replacement, Insulation Improvements, ADA Upgrades)	4 Sites	\$ 710,000.00	EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding Stucco & Trim Replacement, Painting, Electrical Upgrades, Foundation Repair, Community Building Upgrades, Sewer & Water Line Replacement, Doors, Gas Line Replacement, Insulation Improvements, Architectural, Engineering, Permits, Inspections)	4 Sites	\$ 650,000.00	
	AMP 1			AMP 1			
	SITE AND GROUNDS IMPROVEMENTS (Landscape Granite, Tree Replacement, Shrubs, Irrigation, Playground Equipment, Sewer Line Replacement, Water Line Replacement, Site Security, Concrete Replacement, Asphalt Replacement, ADA Upgrades)	4 Sites	\$ 860,000.00	SITE AND GROUNDS IMPROVEMENTS (Landscape Granite, Tree Replacement, Shrubs, Irrigation, Playground Equipment, Shade Structures, Sewer Line Replacement, Water Line Repair, Site Security, Concrete Replacement, Asphalt Replacement)	4 Sites	\$ 800,000.00	
Sub Total of Estimated Cost			\$2,280,000.00	Sub Total of Estimated Cost			\$2,100,000.00

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Part II: Supporting Pages – Physical Needs Work Statement(s)						
Work Statement for Year 1 FFY	Work Statement for Year 2 FFY 2016-2017			Work Statement for Year 3 FFY 2017-2018		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
	AMP 2			AMP 2		
	INTERIOR BUILDING IMPROVEMENTS (Kitchen Cabinets, Tubs, Tub Surrounds, Toilets, A/C Ductwork, Entrance & Interior Doors, Flooring, Electrical Upgrades, Closet Upgrade, Water & Sewer Line Replacement, Hot Water Tank Upgrades, Appliance Replacement, Energy Audit, Painting)	1 Site And 103 Scattered Sites	\$ 650,000.00	INTERIOR BUILDING IMPROVEMENTS (Kitchen Cabinets, Tubs, Tub Surrounds, Toilets, A/C Ductwork, Entrance & Interior Doors, Electrical Upgrades, Storage Upgrade, Water & Sewer Line Replacement, Water Heater, Appliance Replacement, Energy Audit)	1 Site And 103 Scattered Sites	\$ 683,000.00
	AMP 2			AMP 2		
	EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding & Trim Replacement, Stucco Siding, Painting, Electrical Upgrades, Recreation Building Upgrades, Sewer & Water Line Replacement, Landscape, Windows, Doors, Fencing)	1 Site And 103 Scattered Sites	\$ 650,000.00	EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding & Trim Replacement, Painting, Electrical Upgrades, Recreation Building Upgrades, Sewer & Water Line Replacement, Landscape, Windows, Doors, Fencing)	1 Site And 103 Scattered Sites	\$ 683,000.00
	AMP 2			AMP 2		
	SITE & GROUNDS IMPROVEMENTS (Landscape Granite, Trees, Painting, Irrigation Playground Equipment, Sewer Line Repair, Concrete Replacement, Block Wall & Fencing, Shrubs)	1 Site And 103 Scattered Sites	\$ 650,000.00	SITE & GROUNDS IMPROVEMENTS (Landscape Granite, Trees, Painting, Irrigation Playground Equipment, Sewer Line Repair, Concrete Replacement, Block Wall & Fencing, Shrubs, Site Security)	1 Site And 103 Scattered Sites	\$ 684,000.00
	Sub Total of Estimated Cost		\$1,950,000.00	Sub Total of Estimated Cost		\$2,050,000.00

Part II: Supporting Pages – Physical Needs Work Statement(s)						
Work Statement for Year 1 FFY	Work Statement for Year: 4 FFY 2018-2019			Work Statement for Year: 5 FFY 2019-2020		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
Approved Statement	AMP 2 INTERIOR BUILDING IMPROVEMENTS (Kitchen & Bath Cabinet & Countertop Replacement, Tubs, Tub Surrounds, Toilets, A/C Ductwork, Entrance & Interior Doors, Flooring, Electrical Upgrades, Closet Upgrade, Energy Audit, Painting, ADA Upgrades)	1 Site And 103 Scattered Sites	\$ 683,000.00	AMP 2 INTERIOR BUILDING IMPROVEMENTS (Kitchen Cabinets, Tubs & Surrounds, A/C Ductwork, Entrance & Interior Doors, Electrical Upgrades, Storage Upgrades, Water, Heater, Appliance Replacement, Energy Audit, Painting, Architectural, Engineering, Permits, Inspections)	1 Site And 103 Scattered Sites	\$ 650,000.00
	AMP 2 EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding & Trim Replacement, Painting, Electrical Upgrades, Foundation Repair, Recreation Building Upgrades, Sewer & Water Line Replacement, Landscape, Windows, Doors, Fencing, Concrete Replacement, ADA Upgrades)	1 Site And 103 Scattered Sites	\$ 683,000.00	AMP 2 EXTERIOR BUILDING IMPROVEMENTS (Roofs, A/C Units, Siding, Stucco & Trim Replacement, Painting, Electrical Upgrades, Recreation Building Upgrades, Sewer & Water Line Replacement, Landscape, Windows, Doors, Fencing, Architectural, Engineering, Permits, Inspections)	1 Site And 103 Scattered Sites	\$ 650,000.00
	AMP 2 SITE & GROUNDS IMPROVEMENTS (Landscape Granite, Trees, Painting, Irrigation, Sewer Line Repair, Concrete Replacement, Block Wall & Fencing, Shrubs, Water Line Replacement, ADA Upgrades)	1 Site And 103 Scattered Sites	\$ 684,000.00	AMP 2 SITE & GROUNDS IMPROVEMENTS (Landscape Granite, Trees, Painting, Irrigation, Sewer Line Repair, Concrete Replacement, Block Wall & Fencing, Shrubs, Water Line Replacement)	1 Site And 103 Scattered Sites	\$ 650,000.00
	Sub Total of Estimated Cost		\$2,050,000.00	Sub Total of Estimated Cost		\$1,950,000.00

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Part III: Supporting Pages – Management Needs Work Statement(s)					
Work Statement for Year 1 FFY	Work Statement for Year: <u>2</u> FFY 2016-2017		Work Statement for Year: <u>3</u> FFY 2017-2018		
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost	
see attached statements	PHA WIDE MANAGEMENT		PHA WIDE MANAGEMENT		
	1 Computer	\$ 5,000.00	1 Computer	\$ 5,000.00	
	Computer Software	\$ 1,000.00	Computer Software	\$ 1,000.00	
	PHA WIDE ADMINISTRATIVE		PHA WIDE ADMINISTRATIVE		
	1 Capital Fund Program Salary and Supplies	\$ 60,000.00	1 Capital Fund Program Salary and Supplies	\$ 60,000.00	
	Operations	\$ 30,000.00	Operations	\$ 30,000.00	
	Development	\$ 30,000.00	Development	\$ 30,000.00	
	Subtotal of Estimated Cost		\$126,000.00	Subtotal of Estimated Cost \$126,000.00	

