
DEDHAM HOUSING AUTHORITY

SECTION 8 PROGRAM

ADMINISTRATIVE PLAN

March 2018



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I. Introduction and General Policies

A. Introduction

This Administrative Plan is prepared in accordance with the Department of Housing and Urban Development's Code of Federal Regulations (CFR) as set forth at 24 CFR 982.54. Throughout this document the term "Department;" or "HUD" shall mean the United States Department of Housing and Urban Development. The term "Authority" or "HA" shall mean the Dedham Housing Authority, unless reference is made stating "another" HA. The term "FMR" shall mean, "Fair Market Rent" for the federal Section 8 program as determined by the Department of HUD. Other abbreviations will be so noted within the body of this document.

B. Reasonable Accommodation

The Housing Authority is aware of the requirement to provide a Reasonable Accommodation in its rules or policies when so required under the law. Thus, certain policies described herein may be amended in specific situations if to do so is required as a reasonable accommodation to an individual with a disability. The provision of such accommodation shall not mean that such policy has been altered or amended and the Authority shall retain full authority to continue to enforce policies as so described within this plan for all other clients.

The HA will make Reasonable Accommodations in accordance with the HA's Reasonable Accommodation in Housing Policy.

C. Limited English Language Ability and Effective Communications with Individuals with Disabilities

If an Applicant/Participant cannot understand or read English, HA staff will read and explain documents that they would normally hand to the Applicant/Participant to be read or filled out. The HA will take reasonable steps to assure meaningful access by persons with limited English ability. Such steps may include translation of common written materials into those languages frequently spoken by Applicants/Participants and arrangement for interpretation services when necessary. An Applicant/Participant who cannot read or understand English may need to be provided with an interpreter who can explain any policies or procedures.

A statement written in other languages indicating the importance of the notice and that it should be translated is placed upon on envelopes and directly upon important documents. Documents which are available in other languages are provided to applicants and participants when they are available for use by the Housing Authority. The HA's Language Access Plan is on file at the HA for review.

The HA will also ensure that communications and materials are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and their implementing regulations. Where required, the HA will provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, *e.g.*, Braille, audio, large type, assistive listening devices, and sign language interpreters.

D. Violence Against Women Act Policy

The fact that an Applicant or Participant or affiliated individual is or has been a victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking, is not an appropriate basis for denial of program assistance or for denial of admission if the Applicant or Participant otherwise qualifies for assistance in accordance with this plan. The HA's VAWA Policy is on file at the HA for review. The HA will comply with the law and act in accordance with the DHA's VAWA Policy.

E. Equal Opportunity Housing, Fair Housing, Deconcentration of Poverty and Expanding Housing Opportunities

1. Affirmatively Further Fair Housing

The HAs administers the HCV program in compliance with all applicable fair housing and other civil rights requirements, including the authorities cited at 24 CFR § 5.105(a). This includes, but is not limited to, the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, titles II or III of the Americans with Disabilities Act, and HUD's Equal Access Rule. The HA must also affirmatively further fair housing in accordance with its certification pursuant to 24 CFR § 903.7(o).

It is the objective of the Housing Authority (HA) to ensure that our policies and practices affirmatively further fair housing, promote equity, enhance choice and overcome the effects of impediments to fair housing choice. It is the policy of the HA to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing, Civil Rights and Equal Opportunity in housing and employment. The HA certifies that it will provide equal opportunities for inclusion in our housing programs regardless of a person's race, religion, color, national origin, sex, sexual orientation, age, ancestry, familial status, veteran status, or physical or mental impairment.

The HA will be affirmative in our goal of complying with all fair housing requirements under the law by educating our housing partners in their responsibilities under the law. The HA will affirmatively further fair housing by continuing to educate our staff on fair housing laws. The

HA will affirmatively further fair housing by placing Fair Housing Posters in the waiting area and including fair housing information in briefing packets for our tenants and voucher recipients. The HA will inform voucher holders of their rights under Fair Housing Laws, how to report unlawful discrimination and procedures for filing complaints.

The HA will make reasonable accommodations in adjusting the search time and payment standard as referenced within this administrative plan. Further the Housing Authority takes into consideration the Value of an Accessible Unit when determining the Reasonable Rent for the unit.

The HA will promote housing choice and mobility to all our voucher recipients. The HA keeps a bulletin board in the waiting room with lists of apartments, including handicapped accessible units known to the HA, for all our applicants and voucher recipients to see. The majority of our housing resources and support services, including Family Self-Sufficiency, are targeted towards low and very low income persons.

The Housing Authority encourages participation by owners of suitable units located outside areas of low income or minority concentration with the owner's packet which describes the benefits to owners renting to participants under the Federal Section 8 Program.

The Housing Authority provides information with regard to the benefits of moving to areas of low poverty concentration within the Oral and Written Briefing Materials. In addition the HA provides a list of websites to assist families with their housing search including MA Access.

The HA also provides information to families as to the Go section 8 listing service. This gives easy access to families searching for housing in the area and for landlords to list and manage their properties. The portal displays listing details, arranging available rental listings by affordability.

The lack of affordable rental housing and affordable homeownership in the communities in a de facto manner, limit fair housing choice. The affordable rental housing that the HA provides through our state and federal aided housing and federal voucher programs is one step to overcome impediments to fair housing choice.

The HA will take the following steps to address impediments to fair housing choice;

1. Increase staff knowledge of fair housing laws and obligations. The HA will collaborate with organizations to provide education and outreach to our Board, staff, consumers (tenants, voucher recipients, and applicants) and landlords.
2. Facilitate education for community stakeholders on fair housing laws, including predatory lending practices and housing discrimination against mobile voucher holders. This will be done by incorporating fair housing information into existing materials and outreach, and by participating in fair housing trainings. Awareness of legal resources for fair housing violations will also be promoted.
3. The HA will participate in MassAccess, an online housing registry of affordable housing opportunities that are accessible to persons with disabilities.
4. The HA promotes integrated housing to meet a diversity of housing needs.

5. The HA will instruct families of the ability to make complaints of non-compliance to the Massachusetts Commission Against Discrimination and/or HUD.
6. The HA will seek to increase the supply of affordable housing and rental assistance for very low-income households.
7. The HA will collaborate with agencies to provide consumer credit counseling services, first time homebuyer classes, and homebuyer and landlord education courses.
8. The HA provides escrow accounts for our residents and voucher holders that can be used for down payments to become first time homebuyers. The HA also works with agencies that can provide financial assistance and grants for down payments for first time homebuyers.

The HA's office and community space is accessible to people with disabilities. Accessibility for the hearing impaired is provided by the TTD/TDY telephone service provider.

2. Encouraging Participation Of By Owners of Suitable Units Located Outside Of Areas of Low Income or Minority Concentration

Dedham is a stable community with good school systems. According to the U.S. Census Data¹ the Town of Dedham's median household income is \$ 83,248. It is an area of low poverty and minority concentration. According to the US Census less than 5% persons are in poverty. According to the 2010 census 85% of the population is white alone and 5 % are Black or African American, 3% are Asian and 6% are Hispanic or Latino. The HA works to make sure landlords in this community are provided with relevant information as to the HCV program to encourage their participation in the program. There are no areas within Dedham which the HA would consider to be an area of poverty or minority concentration.

a. Landlord Outreach

The HA will continue to encourage participation of by owners of suitable units located outside of areas of low income or minority concentration by working with the local landlord community in this area of low poverty and minority concentration as noted above to educate them as to the benefits of renting to families under the HCV program.

b. Landlord Retention

The HA will encourage participating owners to remain active in the program by rapidly processing request for tenancy approvals and inspections so as to minimize vacancy losses whenever possible. The HA has a designated contact person to coordinate inspection and leasing activities.

¹ US Census QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

II. The Section 8 Waiting List

A. Marketing an Outreach

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When the Authority opens the Section 8 waiting list, public notice is given so that families are informed that they may apply for tenant based assistance. This public notice states where and when the applicant may apply.

When the Dedham Housing Authority joined the Massachusetts NAHRO centralized Waiting list they advertised in major publications such as:

- 1) The Boston Herald; or
- 2) The Boston Globe; and
- 3) The Daily Transcript

And minority media such as:

- 1) The Bay State Banner
- 2) El Mundo

If the list is ever closed and reopened these procedures will be employed.

In the event that the above referenced newspaper(s) and/or minority media are not available or practical for use, comparable minority media/newspapers will be utilized by the DHA. Advertisements will include an Equal Opportunity logo and nondiscrimination statement.

Other advertisements may be included at the discretion of the DHA, i.e. sending out to shelters, churches, schools, etc.

The Massachusetts NAHRO has a website which has information including a, “Frequently Asked Questions” page. The DHA will direct applicants to this website at www.section8listmass.org

B. Section 8 Centralized Waiting List Procedures

1. Introduction

The Dedham Housing Authority has elected to utilize the Centralized Application and Waiting List process. Over the past few years, the Department of Housing and Urban Development has encouraged the use of a Centralized Waiting List by Public Housing Authorities.

It is anticipated that a Centralized Section 8 Waiting List will afford the Dedham Housing Authority and its clients the following benefits:

1. Ease of application process for applicants who may apply at the office of any Housing Authority participating in the centralized waiting list option or online at www.section8listmass.org.
2. Eliminate the procedural hardship on families and administrative burden to the Housing Authority of closing and opening of the Section 8 Waiting List. The Centralized Section 8 Waiting List will be maintained as an open waiting list.
3. Increase housing opportunities for families who now have the potential option of placement at a number of locations throughout the Commonwealth through the submission of a single application.

2. Acceptance of Applications

A single, standardized Preliminary Application is available at each participating Housing Authority and online at www.section8listmass.org. A master list of all participating Housing Authorities will be maintained at the office of the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (hereinafter MassNAHRO), at each participating Housing Authority and online at www.section8listmass.org. Only one application will be accepted for each Head of Household.

The Preliminary Application will request information as required to administer the Section 8 Housing Choice Voucher Program such as: name and city or town (where Head of Household and spouse live and work), telephone number, total number of family members, Head of Household's social security number, if client is 62 years of age or older or disabled, total gross family income, race, and ethnicity. Information regarding preferences adopted by participating Housing Authorities will also be elicited on this application.

The Housing Authorities collectively reserve the right to modify the application to include other information required or useful to administer the Section 8 Housing Choice Voucher Program. All participating Housing Authorities must agree to adopt said modification to the application in advance to such modification.

Applications will be available for completion at the Dedham Housing Authority in person between the hours of 8:30 and 4:30 Monday, Wednesday, and Thursday, 8:30 to 7:00 on Tuesdays and 8:30 to 1:00 on Fridays and may be mailed or hand delivered. Applications can be submitted online anytime.

Upon completion of the application it shall be marked by the Housing Authority staff with date and the time of submission and the family shall be provided with a standard receipt evidencing submission of the application.

The Dedham Housing Authority will then enter the information from the Preliminary Application into the Centralized Waiting List.

3. Updating the Applications

A family may update its application (i.e. change of address) for Section 8 Assistance online at www.section8listmass.org or at the office of any Housing Authority participating in the Centralized application process regardless of where the original application was submitted. To update the application through a Housing Authority, a written request must be submitted to the housing authority by the family.

4. Selection from the Waiting List

The selection criteria set forth in the Dedham Housing Authority's Administrative Plan shall govern the manner in which individuals and families are selected by the Dedham Housing Authority from the Centralized Section 8 Waiting List.

5. Determination of Eligibility

Once a family has been selected from the Centralized Section 8 Waiting List in the manner set forth in the Dedham Housing Authority's Administrative Plan from the Section 8 Housing Choice Voucher Program, eligibility determination shall be made according to federal law, regulations governing State law and any applicable procedures set forth in the Dedham Housing Authority's Administrative Plan for the Section 8 Housing Choice Voucher Program.

6. Determination of Ineligibility

a Ineligibility for Assistance

If a family is denied assistance by the Dedham Housing Authority, they will have the right to the grievance procedures set forth in the Dedham Housing Authority's Administrative Plan. After such time expires to request an informal hearing or a hearing is held and the decision is upheld, the family will be denied participation in the Section 8 Program by the Housing Authority making the determination. The family's name will not be removed by the Dedham Housing Authority from the Centralized Section 8 Waiting List because the family may be eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Dedham Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

b Determination that Family is Over Income Limits

If the family is denied participation in the Section 8 Housing Choice Voucher Program because it is over income for the program, the name will be removed from the Centralized Section 8 Waiting List if the Housing Authority making the determination is in the jurisdiction with the highest income limits of those Housing Authorities participating in the Centralized Section 8 Waiting List process. Otherwise, the family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be income eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Dedham Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

c. No Response

Further, if the family does not respond to a letter sent by a participating Housing Authority to attend an eligibility determination appointment or to otherwise respond to the Housing Authority, the Housing Authority who requested said response may remove the family's name from the Centralized Section 8 Waiting List. The manner and grounds for said removal shall be governed by the Administrative Plan for the Housing Authority making said removal.

7. Waiting List Updates; Purging of Waiting List

MassNAHRO will, on a biennial basis, send a letter to each applicant on the Centralized Section 8 Waiting List. This letter will be sent to the address on the Section 8 preliminary Application or on any written Change of Status request that was completed and sent to a participating Housing Authority. Applicants will be requested to respond to the mailing, either online at www.section8listmass.org or by mailing back the response card, within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Centralized Section 8 Waiting List. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Centralized Section 8 Waiting List.

8. Grievances or Complaints; Jurisdiction

When a family expresses a problem with a decision made by a Housing Authority involved in the Centralized Section 8 Waiting List option, that family shall be referred to the Housing Authority who made the determination in question. When a family expresses a problem with a decision made by MassNAHRO on behalf of all LHAs participating in Centralized Waiting List, that family shall be instructed to send a written request for reinstatement along with supporting documentation to MassNAHRO's Centralized Waiting List Administrator at: Massachusetts Centralized Waiting List, PO Box 8727, Boston, MA 02114

Please note that, upon request, reasonable accommodations will be made for persons with disabilities.

C. Order of Selection from the Waiting List

1. Local Preferences

Applicants are served by date and time of application within Priority Category. These priorities are based upon the needs of the community and enable the Authority to select extremely low income clients. Priorities are defined as follows:

A Super priority is provided for over-housed or under-housed Families residing in DHA Federal Public Housing as defined as follows:

The Applicant resides in DHA federal public housing and the family is over housed according to DHA occupancy standards or under housed according to applicable Massachusetts state law or federal regulations governing unit size and there is no appropriately sized unit available for transfer. These Super Priority Applicants shall be served before Priority #1 and #2.

Priority #1 Served First: Resident families living or working in Dedham and Westwood rent burdened over 40% of their income.

Priority #2 Served Second: Resident families living or working in Dedham and Westwood.

Within these priorities applicants are selected by date and time of application.

Further the Housing Authority shall give preference to elderly persons/families, disabled persons/families and displaced persons/families over other single persons.

The use of this residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

The Dedham Housing Authority administers the Section 8 program for the following housing authorities which uphold the same priorities for their respective towns with the exception of the Super Priority for DHA Federal Housing Transfers: Belmont, Holbrook, Millis, Needham, Warren and Wellesley.

The following documents will be required for verification of paying over 40% and 50% of income towards rent:

1. Copy of Lease or Use and Occupancy Agreement: and

2. Copy of cancelled rent checks / receipts for previous six (6) months.
3. Or alternate #1: Both parties must submit a signed and notarized statement. This statement will be signed under the pains and penalties of perjury subject to an investigation from the HUD Inspector General's Office.

2. Determination of Local Preference Qualification

At the time of application an applicant may certify that they qualify for a preference. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the particular local preference designation for which they did not qualify and given an opportunity for an informal review.

III. Section 8 Eligibility

A. Definition of Family

Each applicant for assistance under the housing choice voucher program must meet the PHA's definition of family.

A family is either a single person or a group of persons and includes:

A household with or without children. A child who is temporarily away from home due to placement in foster care is considered a member of the family.

An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age; or two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.

A disabled family, which means a family whose head, co-head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities; or one or more persons with disabilities with one or more live-in aides.

A displaced family, which is a family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws.

A remaining member of a tenant family is a family member of an assisted tenant family who

remains in the unit when other members of the family have left the unit.

A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

B. Income Limits and Targeting Extremely Low Income Families

To be income-eligible, the applicant must be a family in any of the following categories:

- (i) A “very low income” family;
- (ii) A low-income family that is “continuously assisted” under the 1937 Housing Act;
- (iii) A low-income family that meets additional eligibility criteria specified in the PHA Administrative Plan. Such additional PHA criteria must be consistent with the PHA plan and with the consolidated plans for local governments in the PHA jurisdiction;
- (iv) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(D));
- (v) A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in §248.101; or
- (vi) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program under §248.173.

Extremely Low income families are defined as very low-income families whose income does not exceed the higher of 30 percent of the area median income or the federal poverty level. (See HUD’s 2014 Appropriations Act is Title II of Division L of Public Law 113-76, 128 Stat. 5, approved January 17, 2014.)

Only 25% of admissions may be above the extremely low income level. The Housing Authority will track this information and reserves the right to “skip over” a low or very low income family that may be otherwise eligible to serve an extremely low income level applicant if the Housing Authority must do so to meet the income targeting requirement.

C. When a Family is Considered “Continuously Assisted”

A family is considered continuously assisted even if they were not subsidized under a program covered under the 1937 Housing Act provided that such period of non-receipt of subsidy

assistance is related to certain program technicalities. Example of a program technicality includes a move with tenant based assistance where the new HAP is not executed due to no fault of the Section 8 participant or non-receipt of subsidy during proposed termination proceedings.

Further a family will be considered continuously assisted when a family assisted under a program covered under the 1937 housing act moves temporarily to a shelter because of domestic abuse or other similar emergency based temporary relocation.

The Housing Authority will make this determination on a case by case basis taking into consideration the facts and circumstances of each case. When approval is granted the family must complete all required documents and submit to all screening of applicants to the program except that the income limit used for re admission may be the low income limit and there will be no screening for any waiting list preferences if applicable.

D. Denial of Assistance

This section describes the guidelines the Housing Authority has established for screening applicants including for drug abuse and other criminal activity. The section includes HUD-required screening standards, as well as discretionary standards allowed by HUD. The Housing Authority will deny program admission if there is reasonable cause to believe that an applicant family has engaged in activity prohibited by these guidelines.

These guidelines apply to applicant families, and any new members being added to the household of a family currently participating in a rental assistance program administered by the Housing Authority. The Housing Authority also screens families transferring into its jurisdiction from other housing authorities as provided in 24 CFR §982.355(c)(9) and §982.355(c)(10).

1. Denial of a Voucher

a. Definitions

(i) **Denial** means a HA action which denies listing on the HA waiting list, denying or withdrawing a voucher, refusing to enter into a HAP Contract or approve a Lease or refusing to process or provide assistance under Portability procedures.

(ii) **Drug Related Criminal Activity** is defined in 24 CFR Part 5.100 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.

An "illegal drug" is defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, designer drugs, or other intoxicants. This definition also

specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

(iii) **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 to be reasonably likely to cause, serious bodily injury or property damage.

b. Considerations in Certain Denials

(i) *Consideration of circumstances generally.* The HA has the discretion to consider all of the circumstances in each case including, but not limited to, the seriousness of the offense, the extent of the criminal history, the extent of participation by Family members, and the effects that denial will have on Family members not involved in the alleged activity.

(ii) *Reasonable Accommodation.* The HA shall consider a request for Reasonable Accommodation by an Applicant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap.

(iii) *Mitigating Circumstances.* The HA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.

(iv) *Retention of assistance by a portion of the Family.* The HA may, in its discretion, allow only a portion or certain members of the Family to be admitted to the HCVP, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the Unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the Unit.

(v) *Minors.* If the violating member is a minor, the Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.

(vi) *Domestic Violence.* The HA may consider an incident or incidents directly related to Domestic Violence, Dating Violence, Sexual Assault or Stalking as mitigating circumstances when the incident or incidents of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is directly related to the reason for denial.

c. Mandatory Denial

The Family must be denied a Voucher, even if they are otherwise eligible:

(i) If any Family Member fails to sign and submit consent forms for obtaining information in accordance with this Administrative Plan and 24 C.F.R. part 5, subpart B and F.

(ii) If any Family Member fails to submit required evidence of citizenship or eligible immigration status (or non-contending forms) in accordance with 24 C.F.R. part 5, subpart F and policies within this Administrative Plan.

(iii) The family does not meet the social security number disclosure, documentation and certification requirements. The HA will comply with the requirement to provide extensions as required under applicable regulations with regard to children under the age of six without a social security number as described elsewhere within this plan.

(iv) The family does not meet income eligibility requirements.

(v) Any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

(vi) If any Family Member has been evicted from federally assisted housing within the last three years for Drug Related Criminal Activity. 553.(a) (1) (i)

However, the HA may admit the Family if the HA determines:

(1) That the evicted Family Member who engaged in the drug related criminal activity has successfully completed a supervised drug rehabilitation program.

(2) That the circumstances for leading to eviction no longer exist (for example, the criminal Family Member has died or is serving a lengthy prison term).

(vii) If any household member is currently engaged in illegal use of a drug [24 CFR 982.553(a) (1) (ii) (A)] A household member is "currently engaged in" the activity if the person has engaged in the behavior recently enough to justify the belief that the behavior is current.

(viii) If any Family Member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the Premises of federally assisted housing, the HA will permanently prohibit Admission to the Section 8 program.

(ix) If any Family Member is subject to a lifetime registration requirement under a State sex offender registration program in Massachusetts or any other State. This is regardless of longevity of conviction or completion of any rehabilitative program. [982.553 (a) (2)]

(x) If the HA determines that there is reasonable cause to believe that a Family member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents. [24 CFR 982.553(a) (1) (ii) (B)]]

(xi) If any member of the family has been evicted from housing assisted under the program for serious violation of the lease. [24 CFR 982.552(b)(2)]

d. Discretionary Denial

The HA may deny a Family a Voucher, even if they are otherwise eligible, if any Family member:

- (i) Has been evicted from federally assisted housing in the last five years; or
- (ii) If a PHA has ever terminated assistance under the program for any member of the Family;
- (iii) Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing assistance program;
- (iv) If the family currently owes rent or other amounts to the HA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;
- (v) The family has failed to reimburse the HA or another PHA for rent or any other amount paid to an Owner under a contract or Lease provision;
- (vi) If the family breaches an agreement with the PHA to pay amounts owed to the PHA, or amounts paid to an owner by a PHA;
- (vii) If the family was a FSS participant and failed to comply, without good cause, with the FSS contract of participation;
- (viii) If a welfare-to-work family failed, willfully and persistently, to fulfill its obligations under the Section 8 welfare-to-work voucher program;
- (ix) Has violated any Family obligation under the Section 8 Program as stated in 24 C.F.R. 982.551 or listed in this Administrative Plan;
- (x) Has engaged in or directed abusive, threatening or violent behavior toward HA personnel;

"Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for denial.

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

(xi) Any Family member is currently engaged in, or has engaged in during a reasonable time before the Admission:

(1) Drug Related Criminal Activity;

The HA may not deny assistance due to use or possession of a controlled substance by a Family member if the Family member can demonstrate that s/he has an addiction, has a record of an addiction, or is regarded as having an addiction to a controlled substance, and is recovering or has recovered from such addiction and does not currently use or possess a controlled substance.

The HA will under these circumstances require a Family member who has engaged in the illegal use of a controlled substance to submit verifiable evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

(2) Violent Criminal Activity (HUD regulations at 24 CFR 5.100 define violent criminal activity to mean 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);

(3) Other criminal activity which may threaten the health safety, or right to peaceful enjoyment of the Premises by other residents or persons residing in the immediate vicinity; or

(4) Other criminal activity which may threaten the health or safety of the Owner, property management staff, or persons performing a contract administration function on behalf of the HA (including a HA employee or a HA contractor, subcontractor, or agent).

For the purposes of this provision unless otherwise noted, "reasonable time" will depend on the individual circumstances including but not limited to the seriousness of the crime and number of matters under consideration.

If the DHA previously denied admission to an applicant because a member of the household engaged in criminal activity, the PHA may reconsider the applicant if the DHA has sufficient evidence that the members of the household are not currently engaged in, and have not engaged in, such criminal activity during a reasonable period, as determined by the DHA, before the admission decision.

The DHA may have "sufficient evidence" if the household member submitted a certification that she or he is not currently engaged in and has not engaged in such criminal activity during the specified period and provided credible supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers and criminal records, which the DHA verified.

(xii) Has abuse or pattern of abuse of alcohol that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

2. Criminal Background Checks

The Housing Authority requests a criminal background check for all applicant household members (including live-in aides) 18 years of age and older. (i.e. criminal background check is used as a factor in screening applicants for criminal activities that would prohibit admission to the Housing Authority's Section 8 rental assistance programs.)

All adult members of an applicant household must submit a signed Criminal Background Consent Form, authorizing the release of criminal conviction records from law enforcement agencies. Failure to sign the consent form will result in the denial of assistance.

A criminal conviction alone may or may not result in the denial of assistance. Factors such as disclosure, completion of a drug or alcohol rehabilitative treatment program, type and longevity of the conviction, and reasonable accommodation may also be taken into consideration.

Policies relative to CORI are set forth in the DHA's Criminal Record Information Policy.

E. Statutory and Regulatory changes and HUD Directives

Nothing in the plan serves to limit the Housing Authority from terminating assistance on grounds authorized by State, Federal or local law or by HUD directive.

F. Owner and Housing Authority screening of applicants for family behavior or suitability for tenancy

The screening performed by the HA is to determine that the family is eligible for Section 8 assistance, which generally means that the family is income eligible and has no recent history of violent, drug related criminal activity or other matters which would make the family ineligible based upon the contents of the Administrative Plan, HUD regulations, guidance or state or local law.

The Housing Authority also screens to determine if the family owes uncollected rent or other amounts. The amounts include but are not limited to, court costs, constable fees, or other related fees arising during the Applicant's receipt of benefits from any program administered by the HA or other Publicly Assisted Housing Program. In such cases the DHA will deny an applicant if he/she owes such funds.

The HA strongly encourages owners to perform screening prior to accepting any new tenant. Legal procedures utilized by owners to screen market tenants should also be utilized by owners to screen Section 8 participants.

G. Providing Information to Prospective Owners about the Family

Under Federal Regulations the HA is required to notify prospective landlords of:

1. The family's current and prior address (as shown in the HA/records); and
2. The name and address (if known to the HA) of the landlord at the family's current and prior address.

Subject to privacy and confidentiality laws, upon the request for such information by the prospective landlord, if the information is contained in Housing Authority records and the tenant has authorized the release of such information, the information will be provided to the prospective landlord by the HA.

The Housing Authority will not provide prospective landlords any additional information related to screening the tenant. The landlord is responsible for tenant screening.

IV. Income and Deduction Policies

A. Income Policies

The HA adheres to HUD regulations and guidance with regard to the determination of Income and Exclusions.

1. Imputed Income when Assets Exceed \$5,000.00

If the family's total assets exceed \$5,000.00 calculation of income from assets is subject to HUD's current passbook rate. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual annual income derived from all net family assets or the passbook rate times the value of such assets.

2. Seasonal, Sporadic or Irregular Employment

The PHA generally will use current circumstances to determine anticipated income for the coming 12-month period.

When calculating anticipated annual income for family members whose employment is seasonal, sporadic or irregular, the actual earnings from the past 12 months are used if the family member intends to continue in the same type of employment. If there is a new employment pattern, income is projected based on the new pattern. A special reexamination may be scheduled if a reasonable projection cannot be made based on available information.

For school employees that work less than 12 months of the year the DHA will use pay stubs or another reliable verification source to ascertain projected income taking into consideration the number of the school weeks per the school calendar to project annual income.

3. Computation of Anticipated Overtime

Unless otherwise documented, hourly rated employees are assumed to be in paid status for 40 hours weekly and for 52 weeks per year. Anticipated income from overtime work is computed based on the employer's estimate on the verification form. If the employer fails to give such an estimate, but past earnings show that overtime has been worked, the past actual earnings provided by the employer shall be projected to an annual amount. The HA uses the higher of the past actual earnings or the employer's statement of regularly occurring income unless the employer provides evidence that the past pattern of overtime is no longer valid.

4. Longevity Pay and Cost of Living Allowance (COLA)

Expected increases in wages due to longevity and expected increases in benefits due to annual or other adjustments for costs of living (COLA) are not included in the computation of annual income. For example, a serviceman's annual income is based on his current pay in his current rank and grade.

5. Conservators and Attorneys in Fact

If a person is a conservator or attorney in fact, then any asset of the principal or conservatee that is under the control of the conservator or attorney in fact is considered an asset of the principal or the conservatee not of the conservator or the attorney in fact.

6. Relocation Assistance Payments

A one-time relocation assistance payment required to be paid to a family under Federal, State or local law is considered to be a lump sum addition to the family's assets and is not counted as annual income. If relocation assistance payments will be made over a period of time that will not exceed one year, they are considered to be temporary, non-recurring payments and are not counted as income.

If an owner is required to provide temporary housing for an assisted family due to renovation of an assisted unit, the cost of the temporary housing borne by the owner and any owner's compensation to the family for loss of amenities or housing services at the temporary housing site or to move, store or safeguard the family's personal belongings or for other incidental costs to the family is not counted as annual income.

If an owner is required to pay the family to enable the family to locate its own temporary housing, the daily dollar amount provided to the family during the temporary relocation period is not counted as annual income.

B. Policies on Deductions and Exclusions

1. Verification of Disability

Disability for purposes of Deductions shall be verified only by:

Proof of disability provided through EIV verification;
Proof of disability provided through a third party verification from the Social Security Administration;

A third party verification of disability provided by a health care or service provider, a qualified professional having knowledge of the person's disability, who can verify that the person meets HUD's definition of disability (not a verification of disability for reasonable accommodation);

Document review of a Social Security or SSI benefit statement that is current within 60 days of the interview.

Disability is not verified by receipt of VA disability pay or by a statement indicating that a person meets the disability standards for reasonable accommodation.

2. Medical Deductions

a. Eligibility

The medical expense deduction is limited to families whose head, spouse, cohead, or sole member is at least 62 years of age or is a person with disabilities (elderly or disabled families) 24 CFR 5.611(a)(3)(i).

If a family qualifies as an elderly or disabled family, the medical expenses of all family members are considered, including the expenses of children and nonelderly adults.

The medical expense deduction is that portion of a family's total annual unreimbursed medical expenses that exceeds 3 percent of the family's annual income.

To qualify for deduction, medical expenses must meet two criteria:

1. They must be anticipated - regular, ongoing expenses that a family expects to pay in the 12 months following examination or reexamination.
2. They must be unreimbursed—not be covered by an outside source such as insurance.

b. Definition of Medical Expenses

Medical expenses include unreimbursed expenses for medical insurance premiums, including any unreimbursed premiums paid for Medicare insurance covering hospital, medical, or prescription drug expenses.

Medical expenses also include unreimbursed out-of-pocket expenses for prescription drugs.

The HA adopts the definition of “medical expenses” as stated in Internal Revenue Service (IRS) Publication 502, Medical and Dental Expenses, as that definition may be amended from time to time.

Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

c. Childcare Expense Deductions

The HA calculates child care expenses in accordance with the following policies.

(i) Choice of Provider

The HA cannot choose who will provide childcare for a participant’s child(ren), nor may the HA decide the type of childcare to be provided. Those decisions are left to the family. The HA may not refuse to give a family a childcare expense deduction because there is an adult member in the household that may be available to provide childcare.

(ii) Childcare Expense Verification

When determining allowable amounts for childcare, staff must verify:

The actual cost of the childcare and the hours and days it is provided;

That the cost of the childcare is reasonable (as defined below);

That the hours of childcare relate to the hours working, in school or searching for employment with a reasonable time allowed for transportation;

That the cost of child care is not being reimbursed.

Staff must also require the family to document whichever of the following applies:

The wages earned by the person able to work because of the childcare;

The days and hours of work (and a reasonable time for transportation to and from employment)

Full-time student status and the hours of schooling (with a maximum allowance for travel time of one half-hour each way and study time at the place of instruction not to exceed 3 hours weekly per hour of coursework);

That the person is currently seeking employment.

(iii). Reasonable Costs of Childcare

To determine the reasonableness of childcare costs the HA uses regional market rates and figures published.

(iv) Earnings Resulting from Childcare

HA follows a general rule that child care is enabling the person with the lowest income from earnings to work unless this is obviously not the case.

(v) Childcare and School Year Proration

If the family will pay a different rate for childcare depending on whether the child is in school or out of school and information is not available from the childcare provider on what portion of the year the child is in school, the HA will consider the child to be in school 38 weeks of the year and out of school 14 weeks for the purpose of prorating childcare for the year.

3. Self-sufficiency incentives for persons with disabilities—Disallowance (Exclusion) of increase in annual income;

The PHA will exclude from annual income any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member. This is called the earned income disallowance.

a. Eligibility

The Earned Income Disallowance applies in the following circumstances:

Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage. The federal minimum wage shall apply unless there is a higher state minimum wage.

Increased earnings by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency or other job-training program.

New employment or increased earnings by a family member who is a person with disabilities and who has received assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.

The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program.

b. Disallowance of increase in annual income

(i). Initial 12-month exclusion.

During the 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA will exclude from annual any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(ii). Second 12-month exclusion

For the subsequent 12-month period, the PHA will exclude from annual income of a qualified family 50% of income of such family member as a result of employment over the family member's baseline income. Baseline income is the annual income immediately prior to implementation of the disallowance.

(iii). Maximum 2-year disallowance.

The disallowance of increased income of an individual family member who is a person with disabilities as provided in this section is limited to a lifetime 24-month period.

4. Effect of changes on currently participating families

Families eligible for and participating in the disallowance of earned income under this section prior to May 9, 2016 will continue to be governed by 24 CFR 5.617 in effect as it existed immediately prior to that date.

5. Resident Service Stipends

A family member is entitled to an exclusion from annual income for only one resident stipend at a time (and not to exceed \$200.00 per month).

If a family member receives more than one stipend during the same time frame, the HA excludes from annual income only the highest stipend received so long as it does not exceed \$200.00 per month for the family member.

The HA may, if the amount of the stipend changes throughout the year, pro-rate the amounts accordingly so as to arrive at an average monthly amount for the entire year.

C. Policies Regarding Assets

1. Disposal of Assets for Less than Fair Market Value

In addition to third party verification of the amount of assets and the amount of income anticipated to be received through assets, the HA requires certification stating whether an applicant or participant disposed of any assets, whether at or below market value, in the last two years.

If the total cash value of all assets disposed of for less than fair market value within 2 years of the initial interview for applicants or the effective date of a reexamination for participants is less than \$2,500.00, the HA does not calculate imputed income for the disposed assets. If the total cash value of all assets disposed of for less than fair market value exceeds \$2,500.00, the HA calculates imputed income for that portion of the assets disposed of that exceeds \$2,500.00.

2. Prospective Draw Down of an Asset

When determining the value and anticipated income from an asset, the family's statement that they intend to draw down from an asset in the future (prospectively) does not reduce value of the asset. The asset value is reduced only if the family actually draws down before the effective date of a reexamination or contract.

3. Net Income from Assets

Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

If verified, deductions may be taken to arrive at the net income from assets. However, the deduction cannot reduce the actual income from that particular asset to less than zero. For example, the annual fee charged by an institution to maintain an IRA can be deducted from the dividends or interest earned by that IRA account. A monthly charge for a checking account could offset any interest earned from that checking account.

4. Bonds

To determine the current value of a bond in the absence of third party verification from a broker staff may use a reputable website such as a treasury department calculator to provide the issue price of the bond, total interest earned to date, current value and current interest rate. The current value is used as the net value of the bond (asset). Annual income is the current value times the interest rate. If the interest rate column is blank, it means the bond is no longer paying interest. Printed calculator page results may be used as a third party verification.

5. Checking and Savings Accounts

1. Cash Value and Income from Bank Accounts

The HA may accept original bank statements provided by the family in lieu of third party verification.

The HA has determined, that combined balances of bank accounts held by the family that do not exceed \$5,000.00 are not significant amounts and that the income generated from such accounts has a minimal impact on the Total Tenant Payment (TTP).

The HA defines bank accounts to mean and be limited to money market, checking and savings accounts and certificates of deposit.

The HA uses the current interest rate being paid by the financial institution to determine actual income from savings, checking and other accounts.

2. Documents

If received within 60 days prior to issuing a voucher or within 120 days of the reexamination date or re-contracting effective date, the HA may use the following original documents provided by the family to determine the combined balances of bank accounts as defined above:

□ The most recent quarterly statement, or

□ Three consecutive monthly statements, or

□ A savings passbook that has been updated by the financial institution within the applicable time parameter for third party verification.

For monthly statements the Housing Authority requires three consecutive bank statements but based upon the paper involved with such statements the HA will document receipt of the last three statements and retain only the most recent in the client file.

3. Joint Accounts

If a member of the family has unrestricted access to the account and can withdraw money from the account, the entire value of the account is counted as his or her asset. If the family member merely has survivorship rights and has no access to the funds until the other party dies, then the funds are not counted. The family must demonstrate that it either has no access to the asset or that it has access only to a portion of the asset.

If the person's social security number is on the account for tax purposes, income from the asset should be considered as going to that person. If the asset is owned by two or more family members in the same household, prorate the asset (and income from the asset) evenly among all owners unless the family can document otherwise.

6. Deed of Trust or Mortgage Held by the Family

If a family member's name is on a deed of trust or title, the property is considered to be an asset of the family member.

The HA considers the value of a mortgage or deed of trust to be the remaining unpaid principal on the effective date of the reexamination.

To determine income received through amortization of a mortgage or deed of trust held by a family member, staff may use amortization schedules provided on the Internet to determine the amount of monthly payments of interest and principal and the remaining balance. A screen print of the appropriate portion of the schedule is considered third party verification of the income and asset value.

The interest payable to the family member for the year beginning with the effective date of the reexamination, as determined by the amortization table, is treated as income from the asset. Return of principal is not considered income.

7. IRA and Other Voluntary Retirement Accounts

IRA, Keogh, 401(k) and similar retirement savings accounts are counted as assets, even though withdrawal would result in a penalty.

Withdrawals received as periodic payments are treated as income unless the family member documents that (s) he contributed to the account and documents the amount of the contribution. If so documented, such withdrawals are not treated as income until the family member has recovered the total amount originally invested.

In general, a lump sum or occasional, as opposed to periodic, withdrawal from a retirement account is not counted as income. HA considers quarterly, monthly or weekly withdrawals to be periodic.

8. Mutual Funds and Stocks

Staff must initially attempt to obtain information on mutual funds and stocks from the family's broker or have the family certify that it does not use a broker. If information cannot be obtained from a broker, staff may accept information received from the family in the form of the most recent quarterly statements provided that the statements are not more than 60 days old on the date of receipt.

Staff may also verify information by use of screen prints of information from appropriate websites which may be used as third party verification of the current value of stocks, mutual funds and annual returns from dividends.

To determine the costs of converting stocks or mutual funds to cash staff uses information provided by the family's broker or financial institution. If this information is unavailable, staff may assign costs required for a broker-assisted trade as follows. Unless there is documentation indicating otherwise, the HA accepts as a reasonable cost of liquidating stock \$45.00 for each stock to be liquidated regardless of the number of shares of that stock. For mutual funds the HA allows no costs for No-Transaction-Fee funds. For Transaction-Fee mutual funds the HA will accept transaction fees as the costs for liquidation from an applicable website in the absence of information from the family's broker.

9. Real Property

a. Market Value of a Single Family Residence

In determining the market value of a single family residence or a condominium in the area where no third party broker or real estate agent's information is available on the unit, the HA shall determine the market value by:

- Determining the square footage of living space, and
- Multiplying the square footage times the median sales price per square foot for the appropriate area.

b. Costs of Sale of a Property

If a family has sold a property but cannot provide verification of the costs of sale through a broker, financial institution or escrow company, the HA will impute costs of sale equal to 7% of the market value.

To determine the cash value of a property, the HA shall use 7% of the fair market value as the imputed costs of sale unless the family provides a third party written estimate.

V. Voucher Issuance and Housing Search

A. The Section 8 Briefing

When the DHA selects a family to participate in a tenant-based program, they give the family an oral briefing. The briefing includes information on the following subjects:

A description of how the program works;

Family and owner responsibilities; and

Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction, and any information on selecting a unit that HUD provides.

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 procedures, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order. The family must be informed 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 briefing must also explain the advantages of areas that do not have a high concentration of low-income families.

The family will also be provided with a Briefing Packet that includes information on the following subjects:

- (1) The term of the voucher, voucher suspensions, and DHA policy on any extensions of the term. The packet explains how the family can request an extension;
- (2) How the DHA determines the amount of the housing assistance payment, payment standard and, total tenant payment for a family.
- (3) How the DHA determines the maximum rent for an assisted unit;
- (4) Where the family may lease a unit and 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 which may affect the family's assistance.
- (5) The HUD-required "tenancy addendum" that must be included in the lease;
- (6) The form that the family uses to request DHA approval of the assisted tenancy, and an explanation of how to request such approval;
- (7) A statement of the DHA policy on providing information about a family to prospective owners;
- (8) DHA subsidy standards, including when the PHA will consider granting exceptions to the standards;
- (9) Materials (*e.g.*, brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.
- (10) Information on federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form;
- (11) A notice regarding a list of landlords known to the DHA who may be willing to lease a unit to the family or other resources (*e.g.*, newspapers, organizations, online search tools) known to the DHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.
- (12) Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the PHA that may be available;
- (13) Family obligations under the program;
- (14) Family obligations under the program.

(15) The advantages of areas that do not have a high concentration of low-income families.

B. Subsidy Standards

1. Standards

The subsidy standards for the Housing Authority are designed to provide for the smallest number of bedrooms without overcrowding.

Two adults will share a bedroom unless they are related by blood.

Two children of the opposite sex will share a bedroom unless the oldest of the two children is age six (6) or above.

Two children of the same sex will share a bedroom.

Adults and children will not be required to share a bedroom.

Live-in-aides will be counted in determining family unit size.

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's unit size.

A family that consists of a pregnant woman only, and (no other persons), will be treated as a two-person family.

The subsidy standards are applied consistently for all families of like size and composition.

2. Exceptions

The HA may grant an exception to its established subsidy standards if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

Upon request and verification of the necessity for such, exceptions of subsidy standards may be made by the Housing Authority if to do so serves to provide a reasonable accommodation for a person with a disability.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate

documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

C. Term of the Voucher; Extensions; and Suspensions

1. Extensions

The Housing Authority shall issue all vouchers with a term of 60 Days. Extensions are granted according to the following policies:

a. Initial Extension

(i) Unsuccessful Housing Search

The HA may grant an extension of up to 60 days (up to 120 days of total voucher term) if the Housing Authority is informed by the family that, although a diligent housing search was made, the family was unable to locate suitable housing. The Housing Authority may require that the family provide additional evidence of their diligent housing search including completion of any required forms prior to the HA granting this extension.

(ii) Extenuating Circumstances

The Housing Authority may grant an extension of up to 60 days (up to 120 days of total voucher term) if the Housing Authority is informed by the family that extenuating circumstances have prevented the family from finding a unit, such as:

- Serious illness in the family;
- Death in the family;
- Family emergency;
- Obstacles due to employment;
- Whether family size or other special requirements made finding a unit difficult; or
- Family believes that they have been the victim of illegal discrimination in their housing search.

The Housing Authority may require that the family provide evidence of the extenuating circumstances in advance of granting the request for this additional search time.

b. Reasonable Accommodation

If the family needs and requests an extension of the initial voucher term as a reasonable accommodation, to make the program accessible to a family member who is a person with disabilities, the DHA will extend the voucher term up to the term reasonably required for that purpose. Such extensions will be granted in writing by the HA only when the HA considers the documentation submitted by the family to be sufficient to justify this extension. The extension period must be reasonable for the purpose making the program accessible to and usable by a person with disabilities.

2. Suspension of Term

"Suspension" means stopping the clock on the term of a family's voucher after the family submits a Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA).

The HA will suspend the term of the voucher from the date the Request for Tenancy Approval (RTA) is submitted to the HA until the date upon which the HA informs the family that the unit in question is "approved for occupancy" or is "denied."

The HA may also suspend the term of a voucher when funding for the program is inadequate to support the family's leasing a unit under the Section 8 program. In such cases the suspension shall commence and end upon the Housing Authority's notification to the applicant of such suspension or reactivation of the voucher.

3. Expiration of Voucher

The HA will require that the family reapply for Section 8 assistance when a voucher has expired.

D. Request for Tenancy Approval

The DHA will accept only one Request for Tenancy Approval at a time from a family for processing. If the unit is rejected, or the family prefers to select another unit, the family may submit another Request for Tenancy Approval only once the initial Request for Tenancy Approval has been processed by the HA or withdrawn by the family.

E. Immediate Portability

The HA will allow new admissions who did not reside in the HA's jurisdiction when application was made to move outside of the HA's jurisdiction upon receipt of the subsidy.

However, since the Jurisdiction of the HA is the Commonwealth of Massachusetts the HA will often directly administer the voucher if it is within the Commonwealth rather than transfer the voucher holder to another HA for absorption or voucher administration.

F. Process for Setting and Revision of Payment Standards and Utility Allowances

1. Current Payment Standard

The payment standard may be set by the HA between 90% and 110% of the Fair Market Rent Level.

On an annual basis, the Housing Authority shall review a number of factors to determine if an adjustment in the payment standard is necessary to assist Section 8 participants. The HA reserves to review and adjust the payment on a more frequent basis if necessary to assist program operations or the market evidences a need for adjustment.

In addition to making certain that the payment standard is within the basic range, the HA will consider factors such as rent burden, quality and locations of units selected, rent increase requests, unit availability, voucher length, expirations and extensions, and leasing rates.

As a final part of the analysis when determining if and where adjustments may occur the HA will review the budget to determine the impact of revised payment standard amounts in relation to serving existing households under the HCV program.

The current payment standard is on file at the Housing Authority and is available for review.

For areas outside of the Town of Dedham the DHA will adopt the payment standard in use by the local PHA for that City or Town. If no such PHA exists the DHA will adopt the payment standard adopted by the nonprofit agency administering HCVs for the Department of Housing and Community Development.

2. Utility Allowance

The DHA sets the utility allowance schedule in accordance with the requirements under federal regulations and utilizes this schedule for HCV recipients in the town of Dedham. For areas outside of Dedham the DHA will adopt the payment standard in use by the local PHA for that City or Town. If no such PHA exist the DHA will adopt the payment standard adopted by the nonprofit agency administering HCVs for the Department of Housing and Community Development.

3. Exception Payment Standard

a. Up to 120% of FMR

One of the purposes of an exception payment standard is to ensure that a family with a person with disabilities can rent a unit that meets the disabled person's needs.

If necessary as a reasonable accommodation for a person with disabilities the Housing Authority will approve a family request for an exception payment standard under Sec. 982.505(d) for a tenancy under the Section 8 voucher program so that the program is readily accessible to and usable by persons with disabilities. The Housing Authority may approve exception payment standards up to 120% of the FMR as a reasonable accommodation.

b. Over 120% of FMR

HUD Headquarters must waive 24 CFR § 982.505(d) to allow the HA to approve any exception payment standards higher than 120 percent of the FMR as a reasonable accommodation.

The Housing Authority will submit all such request to the field office and where applicable the field office will make the necessary waiver request to HUD headquarters. The HA will include the following in the submission to HUD in order to facilitate the consideration of such a request:

- a)** Note whether the family is an applicant or participant family.
- b)** The number of household members including a live-in aide/s.
- c)** The voucher size the family is issued under the HA's subsidy standards or any exception to those standards granted through a reasonable accommodation request;
- d)** The FMR for the voucher size or unit size whichever is smaller.
- e)** When either the disability or the need for the requested accommodation is not known or readily apparent, a statement from a health care provider regarding the need for the reasonable accommodation and the features of the unit (which may include its location) which meet that person's needs.
- f)** The contract rent and utility allowance for the unit.
- g)** A statement from the HA that it has determined the rent for the unit is reasonable and that the unit has the feature/s required to meet the needs of the person with disabilities as noted in the statement from the health care provider where such a statement is necessary (see e.above).
- h)** The household's monthly adjusted income.

- i) Proposed effective date of the new lease or actual effective date of the lease renewal.

To the extent such information must be supplied by the family, the Housing Authority will not make such request until such time as the family submits the applicable information to the DHA.

G. Method for Determining Rent Reasonableness

1. Factors for Consideration in Rent Determination

The HA's methodology for ensuring that the rent to an owner is reasonable in comparison to similar unassisted units takes into consideration the following factors: location, quality, size, unit type, age, amenities, housing services, maintenance, utilities provided by the owner, and value of accessibility.

To determine the rent for a unit, the HA will review the following information for the unit in question.

- a) Location: (Miles), Neighborhood Amenities (Stores, Transportation Etc.)
- b) Quality: Construction & Building Materials;
- c) Size: Square Footage, Number of Bedrooms, Number of Baths
- d) Unit type: House, Low-rise, High-rise Triplex, Etc.;
- e) Age
- f) Amenities
- g) Maintenance
- h) Housing Services
- i) Utilities: Paid by Tenant v Owner
- j) Value of Accessibility: Accessible features may be taken into consideration when approving a requested rent. This "value of accessibility" factor will be taken into consideration on a case by case basis when the family indicates that the unit has certain qualities which are not available in other units which are required as a result of a disability.

The information is collected by the DHA with the following:

- a. A Request for Tenancy Approval Addendum which ascertains detailed information as to the factors listed above (ie unit size and type, amenities, accessibility etc.).
- b. A Landlord Survey form, when completed by the landlord, which contains detailed information regarding the factors listed above (ie unit size and type, amenities, accessibility etc.).
- c. The Inspection form which contains detailed information with regard to the unit condition amenities and other relevant factors.

This information is then used to establish the reasonable rent by comparing it to the market comparables as described below.

2. Source of Market Comparables

The DHA has contracted with GoSection8.com to collect market comparables for rent reasonableness determinations.

The GoSection8.com rent reasonable program uses an automated hedonic valuation model (in this context hedonic price analysis determines how the price of a unit varies with its characteristics) to identify and compare the program subject unit to the most similar private market rental property units within a specific geographic radius.

- Dollar for Dollar Adjustments - GO8 uses a true market based methodology which overcomes the inherent artificial numerical “value” assigned to point based comparables because of unknown variables. GoSection8 fine-tunes the rent reasonableness process, allowing dollar for dollar adjustments based on the critical market factors that impact rent ensuring an “apples-to-apples” rent comparison.
- Integrated Comparable Rental Data - GoSection8 gathers, organizes and maintains a database of market-based comparable units. The primary source of comparable data included in the GoSection8.com product is open market rental data. GoSection8.com incorporates ongoing real time data mining of open market rental data from over 300 rental listing websites and newspapers. This ensures a rental database that is current and statistically accurate. The data is harvested both electronically with proprietary technology as well as manually by dedicated data analysts. The open market listings are appended with local tax assessor information along with market assumptions on utilities and amenities thereby assuring an accurate and verified rental comparable.

Assisted units are not used in making a rent reasonableness determination. Determinations are based upon comparison of the HUD required factors to private market units. Comparables utilized to establish the reasonable rent will be documented and maintained in the tenant file.

A Rent Reasonable Certification containing the three most similar and credible comparables which accounts for the factors set forth in 24CFR 982.507(b) will be maintained in each tenant file.

The Certification will contain the actual listing information in the system provided for each comparable unit. A copy of this approval will be maintained in the tenant file. The reasonable rent will be offered to the owner.

Finally, even when the market comparables on file at the Housing Authority are higher than the rent which is received by an owner for a “like kind” unit within the same building, the HA will only approve a rent equal to that approved for the “like kind” unit within that same building. However, if exceptional circumstances apply such as the unit in question is more desirable because it was recently refurbished, the DHA may approve the higher rent.

3. Limitations Regarding Rent to Owner in Subsidized Projects

As stated in 24 CFR §982.521, when a family leases a unit under the Housing Choice Voucher (HCV) program in an insured or non-insured Section 236 project, Section 202 project, Section 221(d) (3) BMIR project, or a Section 515 project of the Rural Development Program, the rent to owner is the subsidized rent as determined in accordance with requirements for the applicable federal program.

4. When Rent Determinations Shall Occur

This same rent reasonableness process will be utilized for:

- 1 New Admissions & Movers;
- 2 Rent Increases;
- 3 The Fair Market Rent for the Primary Metropolitan Statistical Area or Metropolitan Statistical Area decreases by more than 5% for the particular unit size; and
- 4 When directed by HUD.

The DHA also reserves the right to make a rent reasonableness determination at any other given point in time.

I. Assisting a Family That Claims "Illegal Discrimination" Has Prevented Them from Leasing a Unit

In the event that a family informs the HA that they believe they have been illegally discriminated against and, due to such discrimination, they were prevented from leasing a particular unit, the family will be provided with appropriate Discrimination Complaint Forms and/or information which include.

1. A Massachusetts Commission Against Discrimination (MCAD) Complaint Form
2. A HUD Discrimination Complaint Form

The family may also be provided with the telephone numbers for the following:

HUD's Fair Housing Enforcement Center: - (617) 565-5304
MCAD - (617) 727-3990

In accordance with Housing Authority policy as set forth within this Plan, the Housing Authority may also provide additional search time on a voucher when a family claims illegal discrimination prevented the leasing of a unit

J. Disapproval of Owners

1. Mandatory Denial

The Housing Authority will not approve a unit if:

- a) The HA has been informed, by HUD or otherwise, that the owner is debarred, suspended, or subject to limited denial of participation.
- b) When directed by HUD, the HA will not approve a unit if the Federal Government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal Equal Opportunity Requirements and such action is pending.
- c) When directed by HUD, the HA will not approve a unit if a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal Equal Opportunity Requirements.

The DHA will not approve a unit of the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family unless to do so will provide a reasonable accommodation for a family member who is a person with a disability.

2. Discretionary Denial

The Housing Authority may deny approval to lease a unit from an owner for any of the following reasons:

- a) The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- b) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal Housing Program.
- c) The owner has engaged in any drug related criminal activity or any violent criminal activity.
- d) The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project based Section 8 Assistance or leased under any other Federal Housing Programs
- e) The owner has a history or practice of failing to terminate tenancy of tenants of units

assisted under Section 8 or any other Federally Assisted Housing Program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

threatens the right to peaceful enjoyment of the premises by other residents;

threatens the health and safety of other residents, of employees of the HA, or of owner employees or other persons engaged in management of the housing;

threatens the health or safety of or the right to peaceful enjoyment of their residency by persons residing in the immediate vicinity of the premises; or

engages in drug related criminal activity or violent criminal activity.

- f) The owner has not paid state or local real estate taxes, fines or assessments.
- g) The owner has a history or practice of renting units that fail to meet State or local housing codes.
- h) Any other reasons determined reasonable by the Housing Authority and prohibited by law.

When the HA decides not to execute HAP contracts with an owner for reasons described in this section of the Administrative Plan, the decision affects only prospective future contracts. Participants residing in units belonging to the identified owner will not be asked to move solely because of a decision to disapprove the owner as described within this plan.

However, when a Housing Assistance Contract with an owner is terminated for other reasons such as violation of Housing Quality Standards which is not tenant caused the Section 8 participant will be issued a voucher and required to relocate to continue to receive Section 8 assistance.

In these cases, in advance of owner disapproval, a letter will be sent to the owner indicating that the HAP contract will be terminated (or his/her approval as an owner is denied or terminated) with the reasons therein stated. In cases of HAP contract termination, the effective date of the termination will be determined by the Executive Director taking into consideration the circumstances of the assisted family.

For purposes of this section "owner" includes principal or other interested party. Nothing in this section of the Administrative Plan is intended to give any owner any right to participate in the program.

VI. Program Participation

A. Interim Reporting and Processing Policies

1. Mandatory Interim Examination

All changes in income and family composition must be reported to the HA within 10 days of the change (for income changes, birth, adoption court awarded custody) or otherwise advance of the proposed change (i.e. request to add a family member). Requests for additional members will be considered in accordance with PHA policy.

Interim reporting will be required in the following instances:

- a) When a family receives an increase of more than **10%** in total monthly income, however, the Housing Authority shall be notified of any change in income;
- b) When a family receives an increase in total monthly income;
- c) When a household member is leaving the dwelling unit;
- d) When the family is breaking up; and
- e) When the family is requesting that a new family member be added to the household composition;

This interim examination will cover only the new information being reported and accordingly only information related to such changes will be reviewed and verified.

Nothing in this section should be construed to limit the ability to require an interim examination by the Housing Authority in other circumstances when not prohibited under federal regulations, HUD guidance or other applicable law.

2. Manner of Reporting and Effective Date of Recertification

It is obligation of the family to report these changes to the Housing Authority. It is the policy of the HA to require that the family report these changes within the time frames set forth above and in writing. Failure to do so may result in the family's termination from the Section 8 program for violation of family obligations.

After the family has reported a change to the HA appropriate verifications will be requested for submission to the HA and then the HA will perform the interim recertification. For decreases the HA will not make the recertification retroactive if the family failed to submit the requested documentation in a timely manner or failed to cooperate with the HA in relation to the reporting or verification requirements.

The effective date of the interim recertification will depend on the timeliness of the family's reporting of the change to the HA, the Housing Authority's receipt of requested documentation and appropriate verification. The HA will make the interim determination within a reasonable time after the family request.

For decreases, the interim determination will generally be effective on the first of the following month, within reason (if the determination is at least five days prior to the end of the month).

For increases, the interim determination will generally be effective on the first of the second month.

In both instances this effective date of the determination is provided that the information was reported to the HA in a timely manner and that the family cooperated with the Housing Authority's ability to receive all necessary documentation and verification. Increases will be made retroactive to the time period that it would have been effective if it had been reported in a timely manner.

3. Optional Interim Reporting

Upon written request by the family, the Housing Authority will schedule an interim examination to address a decrease in income, increase in allowable expenses, or other relevant changes in family circumstances. The time frames set forth in the Mandatory Reporting Section shall also apply in cases of an optional interim recertification.

B. Verification

Certain items are required to be verified to determine that the family is eligible to receive assistance under the federal section 8 program and to ensure that the Housing Authority has accurately calculated the Family's Housing Assistance Payment under said program.

The DHA will obtain and document in the family file third-party verification of the following factors, or must document in the file why third party verification was not available:

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

Using HUD's verification hierarchy, the HA has developed and adopted these verification policies to guide staff in determining HA qualifies as adequate verification for specific items that affect income and rent and to ensure that that each item requiring verification is, in fact, verified consistently by all staff members.

1. Methods of Verification and Ranking Order

The HA will verify information through the six methods of verification, acceptable to HUD, in the following ranking order:

1. Enterprise Income Verification (EIV)
2. Upfront Income Verification (UIV) using non-HUD systems
3. Third-party written (may be provided by the family)
4. Third party form written
5. Third-party oral (in person or via telephone directly from the third party)
6. Certification/self-declaration

a. Enterprise Income Verification (EIV)

(i) Introduction

The HA is required to use the EIV system as a (primary) source to verify tenant income information during all mandatory annual and interim reexaminations.

The Housing Authority has adopted as its Enterprise Income Verification Policy those requirements in the Enterprise Income Verification System User Manual and Security and Procedures Guide that are mandated as necessary and required by the HUD regulations relative to Earned Income Verification, and as said regulations and guides may be amended from time to time. This serves to specify the Housing Authority's (HA) security procedures concerning the data downloaded from the Enterprise Income Verification System (EIV).

The EIV system is a web based application which provides the HA with employment, wage, unemployment compensation and social security benefit information of tenants participating in the Section 8 program. HUD's computer system is matched against that of agencies such as the Social Security Administration and the US Department of Health and Human Services,

The information is only be used to verify a tenant's eligibility for participation in HUD's rental assistance program and to determine the level of assistance the tenant is entitled to receive.

Data obtained through EIV system will be compared to family reported information utilizing the verification hierarchy contained herein. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference (\$2400 or more annually) in the reported income information the PHA will obtain further third party documentation in accordance with the hierarchy contained in this administrative plan. (The PHA is always required to request written third party verification when the tenant disputes EIV information and is unable to provide acceptable documentation to support his/her dispute)

If there is a discrepancy, once the HA has verified and validated the income discrepancy, the HA will calculate the tenant retroactive rent due, if any, and initiate a repayment agreement and/or take other corrective action.

(ii) Security Personnel

The Executive Director has appointed a Security Officer to supervise and enforce the security procedures. The Security Officer's responsibilities include keeping records, logs and monitoring EIV security issues. The Security Officer reads and disseminates training materials, and trains the appropriate departmental staff concerning the handling of files containing EIV data. These materials will be disseminated prior to working with the EIV data.

Access to EIV data is limited to persons whose duties or responsibilities require access. The level of access will also be limited to the functional areas of specific users as required. Any staff member who may need access or may need to have their status revoked will be reported to the Security Officer. If there is any unauthorized use of the system, the Security Officer will notify the Executive Director immediately and secure documentation of any security violation. The Executive Director or his designee shall notify the HUD Field Office PIH Director of any unauthorized use of the system.

(iii) Enterprise Income Verification Files

Information from Enterprise Income Verification websites will be downloaded only with a signed HUD Form 9886 Release Waiver, signed by each Household member 18 years of age or older, on file. The data pertaining to only one family will be maintained in a file. This data will be maintained in the same confidential manner as all tenant data.

The general public does not have access to the room where confidential data are maintained unless accompanied by HA staff. Visitors are always escorted by HA staff in all areas that may contain confidential data.

(iv) Enterprise Income Verification Computer Files

Computerized data is handled in the following manner:

1. Data downloaded from the Enterprise Income Verification system will not be saved to a hard drive.
2. If the information is saved to a local drive (recordable disc), then it must be kept separately from all HA data.
3. Any disk must be marked "Confidential."
4. Specific computers in locked areas will be used to access EIV data.
5. When possible, one printer in each office will be designated to print EIV data.
6. Printouts of EIV data will be collected from the printer immediately.

b. Upfront Income Verification (UIV) using non-HUD systems

In addition to the EIV System the PHA may use other up-front income verification sources to verify participant income. UIV meets the regulatory requirement for third-party verification. UIV is an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals. Examples on non-HUD UIV systems are the work number and state government databases.

c. Third-party written (may be provided by the family)

Written third-party verification is an original document generated by a third-party source, dated within 60 days prior to the reexamination or HA request date.

The Housing Authority requires that documents be original and authentic. They may be supplied by the family or received from a third party source.

Examples of acceptable third-party documents provided by the family include:

- pay stubs
- payroll summary reports
- employer notice or letters of hire or termination
- SSA benefit verification letters
- bank statements
- child support payment stubs
- welfare benefit letters or printouts
- unemployment monetary benefit notice
- Veterans Administration letters
- Retirement Benefit Letters
- Investment Company Statement
- City or County Court orders
- Life Insurance Company Statement
- Investment Group Statement

The HA requires at minimum, three current and consecutive pay stubs for determining annual income from wages.

The HA reserves the right to reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

Information verified on the internet is considered by the HA to be written third-party verification if the HA is able to view and print web-based information from a reputable source on the computer screen.

d. Third Party Form

A written third party verification form is a standardized form which will be used to collect information from a third-party source.

Third-party written verifications must be received directly from the third parties. The family will be required to sign an authorization for release of information to allow the third parties to release the requested information. Verifications received from the third party electronically via computer e-mail, by fax machine, via an on-line database system, or directly from the source, are considered by the HA to be written third party verifications

e. Oral Third Party Verification

If a PHA has requested a written third-party verification form and has not received a response or if written third party verification is not possible, the PHA will attempt oral third-party verification

When a third-party oral verification is used, HA staff to note in the file:

- the name of the person contacted
- the date of the conversation, and the facts provided.

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

f. Tenant Declaration

If it is not possible to contact the third party by telephone due to either the agency's documented policy of not releasing information over the telephone, or unavailability of the third party, the HA will note the file and proceed to the next ranking verification source, Self Certification. The HA will not delay the processing of an application beyond ten working days because a third party information provider does not return the verification in a timely manner.

A notarized family certification will be accepted when no other form of verification is available. With this method of verification, an applicant or participant submits an affidavit or notarized statement to certify income or expenses that she or he has reported. A notarized self-certification means a family signed and dated affidavit/certification/statement under penalty of perjury in the presence of a notary public.

The family may be required to certify that they do not receive a particular benefit or type of income.

2. Length of Time Verification Is Acceptable

Unless otherwise noted herein, for applicants, verifications may not be more than 60 days old at the time of voucher issuance. For participants, verifications are valid for 120 days from annual recertification date.

3. Policies Regarding Other Items Verified and Methods Utilized

a. Proof of Identity

The HA requires each adult member of an applicant household to provide proof of identity in the form of a government issued photo identification card. The card must, at a minimum, identify the adult by name and date of birth and must be a valid card.

b. Provision of Social Security Number

This section does not apply to those who do not contend to have eligible immigration status.

(i) Information required for Disclosure of Social Security Number

Disclosure of Social Security Numbers (SSN) requires submission of the following:

- The complete and accurate SSN assigned to the assistance applicant and to each member of the assistance applicant's household; and
- A valid SSN card issued by the Social Security Administration; or
- An original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or
- Such other evidence of the SSN as HUD may prescribe in administrative instructions.

The HA may reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged. In such cases the HA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the HA within 90 days.

(ii) Requirements for Applicants

Applicants must submit disclosure information set forth in section (i) above.

If an applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide the documentation to verify the SSN of each member of the household as set forth in section (i) above.

However, if a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of voucher issuance, the assistance applicant may become a participant, so long as the documentation required is provided to the processing entity within 90 calendar days from the date of admission into the program (or, for the HCV program, the effective date of the Housing Assistance Payment contract). The HA must grant an extension of one additional 90-day period if the HA determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required under the rule within the required time period, the HA will follow the provisions of 24 CFR §5.218.

(iii) Requirements for Participants

The HA has obtained and verified SSNs for all participants, except those age 62 or older as of January 31, 2010.

Addition of new household member who is at least 6 years of age or under the age of 6 and has an assigned SSN

When the participant requests to add a new household member who is at least 6 years of age, or is under the age of 6 and has an assigned SSN, the participant must provide the information set forth in section a above.

Addition of new household member who is under the age of 6 and has no assigned SSN

When a participant requests to add a new household member who is under the age of 6 and has not been assigned a SSN, the participant shall be required to provide the complete and accurate SSN assigned to each new child as described in section a above to verify the SSN for each new child within 90 calendar days of the child being added to the household.

Further, the HA will grant an extension of one additional 90-day period if the HA, in its discretion, determines that the participant's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the participant. During the period that the HA is awaiting documentation of a SSN, the HA shall include the child as part of the assisted household and the child shall be entitled to all the benefits of being a household member. If, upon expiration of the provided time period, the participant fails to produce a SSN, the HA will follow the provisions of 24 CFR §5.218.

(iv) Assignment of New SSN to Participant

If the participant or any member of the participant's household has been assigned a new SSN, the participant must submit the information set forth in section a above to HA at either the time of receipt of the new SSN; at the next interim or regularly scheduled reexamination or recertification of family composition or income, or other reexamination or recertification; or at such earlier time specified by the HA.

c. Proof of Age

The HA requires proof of age for each member of the assisted family and any subsequent additions to the family.

The following are acceptable forms of age verification:

- Birth Certificate or Certificate of Verification of Live Birth,
- Other Official Record of Birth,
- Baptismal Certificate,
- Census Record or Census Document showing age,
- Driver's License,
- State ID Card,
- Other identification cards issued by a federal, state or local agency,
- Adoption papers that specify age,
- Military discharge records,
- Naturalization certificate or other INS documents,
- Proof of receipt of old age benefits (SS or SSI for persons age 62 or older),
- Court records that specify a date of birth,
- Life insurance policies that specify a date of birth,
- Retirement Award or Benefit letters that specify a date of birth or age,
- Veterans Administration records,
- Valid passport.

d. Evidence of Citizenship

The HA requires applicants and participants of its Section 8 programs to submit evidence of citizenship or eligible immigration status in accordance with the HUD regulations governing *Restrictions on Housing Assistance To Noncitizens*.

In addition to the mandatory components relating to the Noncitizen rule, the DHA does require verification of United States Citizenship Status in addition to the execution of the applicable Declaration Form. Acceptable forms of documentation are an original of the following documents: a Birth Certificate, a Naturalization Certificate, a Certificate of Citizenship, a U.S. Passport, and a U.S. Passport Card.

e. Self-Employment and Seasonal Workers

Verification of income from self-employment or seasonal employment will be generally based on a 12 month period. It is most appropriately measured by the family's federal and state income tax return. Income may be projected to ascertain annual amount.

However if the self-employment is a seasonal nature and/or it is not feasible to anticipate a level of income over a 12 month period, the DHA may annualize the income anticipated for a

shorter period, subject to a redetermination at the end of the shorter period. This shall also apply to seasonal workers and sporadic employment that are not self-employed.

C. Minimum Rent Policy

1. Minimum Rent Policy

The Public Housing Reform Act of 1998 includes a provision for the establishment of minimum rents to be paid by participants in the Section 8 Housing Choice Voucher Program. This provision permits housing authorities administering the program to set a minimum rent requirement between \$0.00 and \$50.00 per month.

The Housing Authority has established a minimum rent of \$50.00 per month for the Section 8 Housing program.

2. Exemptions from the Minimum Rent Requirement

To be considered for an exemption from the minimum rent requirement a tenant/participant of household must demonstrate that it is experiencing a financial hardship due to an unexpected or unprecedented economic burden on the family. (The voluntary loss of income, or voluntary continued loss of income, does not necessarily qualify a family for the financial hardship exemption from minimum rent.)

The following situations qualify for the exemption:

- When the family has lost eligibility for, or is awaiting an eligibility determination from a federal, to state or local assistance program, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits except for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.
- When the family would be evicted as a result of the imposition of the minimum rent requirement.
- When the family income has decreased due to changed circumstances, including involuntary loss of employment.
- When the family has an increase in expenses due to changed circumstances, such as medical costs, childcare, transportation, education, or similar items.
- When a death or severe illness has occurred in the family.

The family may make a request to the HA on the basis of other circumstances which will be considered by the DHA on a case by case basis.

Requests for an exemption from the minimum rent must be submitted in writing to the Housing Authority office. This written request must be accompanied by the following:

- 1.) A complete listing of all household members' current income and their sources.
- 2.) A completed Zero Income form listing all the household members' current financial obligations and routine expenditures.

If a family requests the hardship exemption, application of the minimum rent hardship will be suspended beginning the month following the family's written hardship request. During suspension, the minimum rent will be included in the family's Total Tenant Payment (TTP) and the housing assistance payment will be increased accordingly.

The Housing Authority will determine if the hardship is temporary or long-term. This determination will be based on the information and documentation provided by the family.

3. Minimum Rent Hardships:

(i) Temporary Hardship

If the hardship is determined to be temporary, the minimum rent will be suspended for a period of 90 days from the date of the family's request. Documentation substantiating the claim for a temporary hardship is required. At the end of the 90-day period, the minimum rent will be reinstated retroactively to the date of the suspension and the amount of overpaid assistance, based on the minimum rent amount, shall be reimbursed by the family. The Housing Authority will offer a reasonable repayment agreement to cover the minimum rent charges accumulated during the suspension period.

(ii) Long-term Hardship

If the hardship is determined to be long-term, that will extend beyond a 90-day period, documentation regarding the reasons to substantiate the long-term hardship will be required. A statement from either a medical provider or other documentation that the Housing Authority considers to be sufficient will be required. If The Housing Authority determines that there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists. Repayment of the minimum rent is not required as long as the family

has complied with the Family Obligations of reporting information. At each annual reexamination, the family's eligibility for financial hardship exemption will be reviewed.

(iii) No Hardship

If the family has failed to provide documentation proving the hardship has occurred due the circumstances listed or the Housing Authority has determined that there is no qualifying hardship, the minimum rent will be reinstated. A repayment agreement will be executed for any money owed to The Housing Authority during the time of the suspension. Hardship determinations are subject to The Housing Authority's informal hearing process and will be reviewed. If the Housing Authority determines hardship does not exist, the family has the right to request an informal hearing on the decision.

D. Minimal Income Policy

1. Appointments

For any family reporting no income the Head of Household will be required to complete a Statement of Income and Expenses. This statement serves to document the family's expenses and the source of revenue for each expense.

Failure to provide such information requested on the Statement of Income and Expenses will be grounds for termination of assistance.

The Housing Authority may also waive the requirement for the family to attend said appointment or complete said paperwork if the facts and circumstances of the case warrant such a waiver.

2. Utility Re-imbusement Checks

For a client entitled to a utility reimbursement check in excess of twenty (\$20.00 per month) the Housing Authority will send this payment directly to the utility company.

E. Restrictions on Additions to Household Composition for Applicants and Participants

1. General Addition

The HA will allow additions to the family in the following instances

1. Birth, adoption, court awarded custody;

2. Marriage or Domestic Partnership;

3. A person with a disability requires the addition of a person or persons to the household as a reasonable accommodation.

4. A person that has lived with assisted family within the past as a family in a relationship determined to be stable by the DHA. The DHA will review the following to determine if the relationship meets this criteria: The parties have provided financial support for each other. Documentation of a stable relationship may include lease agreements indicating that the parties lived together, utility bills, other joint bills and/or bank account(s) (need to provide for a 6-month period), and, on a case-by-case basis, letters from a social service provider or religious organization confirming the relationship. The Housing Authority will consider other evidence of stable relationship presented by the family on a case by case basis.

Approval of such additional family members does not require the family to meet any income limits. Federal income limits are applicable only at the time of initial admission to the Section 8 program.

Addition of an adult family member may require a HAP proration or change in the HAP proration.

A person with a disability may request the addition of a person or persons to the household as a reasonable accommodation.

The HA prohibits the addition of any person to the household who would normally be denied initial admission to the program in accordance with this Administrative Plan.

An additional person may not be added to the household until he or she has met all program requirements, including providing social security numbers, information on citizenship status, appropriate income release forms, and the Criminal Offender Record Information check where applicable based upon the age of the proposed new family member.

In the tenant-based program, prior to allowing the addition of the household member, the existing head of household must secure the owner's written permission to add the new member to the household. This is in addition to any DHA approval in accordance with DHA policy.

Upon approval by the HA, which shall always have a prospective effective date, the new household member is immediately subject to all the requirements, and receives all the benefits, of the assisted housing program.

2. Live-in Aide

a. Approval of a Live-in Aide

A live-in aide is a person who resides with a person or persons who are elderly, near elderly, and/or have a disability.

The live-in aide:

1. Must be essential to the care and well-being of the person(s).
2. Must not be obligated for support of the person(s).
3. Would not be living in the unit except to provide necessary supportive services.

The HA may approve a live-in aide for a family upon verification of need by a qualified health care or service provider subject to c. *Refusal to Approve a Live-In Aide*, of this Administrative Plan.

A live-in aide is not required to have citizenship or eligible immigration status. The aide must, however, provide a valid (unexpired) government-issue photo identification card that at a minimum indicates the aide's name and birth date. .

For information concerning the appropriate family unit size when the HA has approved a live-in aide for a family see section addressing Subsidy Standards within this Administrative Plan.

Unless prohibited by law the provisions set forth in section 1. General Additions above also apply in the case of HA approval of a Live in Aide.

b. Identification Required for Live In Aide

The HA provides an additional bedroom to the family unit size to accommodate an approved live-in aide. In order for a family to receive a voucher with an additional bedroom for a live-in aide, the aide must:

- ☐ Personally appear at the HA offices;
- ☐ Provide a picture ID;
- ☐ Complete a certified statement indicating that the assisted unit shall be the aide's primary residence and that the individual meets the regulatory definition of a live-in aide;
- ☐ Undergo a criminal history check and any other procedures required by the Administrative Plan to determine whether the aide should be allowed in the household.

The HA shall not issue a voucher of a larger bedroom size to accommodate a live-in aide unless and until an aide has met the above requirements and has passed a criminal history check.

c. Refusal to Approve a Live-in Aide

The HA may refuse to approve or may withdraw its approval of a particular person as a live-in aide for the reasons indicated in 24 CFR part 982, or if the live-in aide (a member of the household) is barred from participation in assisted housing programs for any of the reasons stated (and in accordance with the time frames expressed) within the sections covering denial and termination this Administrative Plan.

At any time HA can refuse to approve, or withdraw approval of, a live-in aide if:

- 1) The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; or
- 2) The person commits drug-related criminal activity or violent criminal activity; or
- 3) The person currently owes rent or other amounts to the HA or to another Public Housing Agency (PHA) in connection with Section 8 or public housing assistance under the 1937 Act; or
- 4) The person fails to comply with HA requirements for a live-in aide including the requirements contained in this Administrative Plan.

The HA may require a participant to terminate the services of a particular live-in aide as a condition of continued assistance or may require an applicant to terminate the services of a particular live-in aide as a prerequisite to issuing a voucher or to approving a tenancy.

Any refusal or withdrawal of approval will be in writing and will allow the applicant or participant a thirty day period in which to locate a replacement aide.

3. Caretakers of Child

If the head of household or co-head are no longer in the household, such as in the case of incarceration, and his or her child remains in the unit, the HA will take the following actions.

(1) If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

(2) If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the HA will extend the caretaker's status as an eligible visitor.

(3) At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.

(4) During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

Unless prohibited by law the provisions set forth in section 1. General Additions above also apply in the case of HA approval of HA Approval of Caretaker for a Child.

F. Guest Policy

A guest is defined within the federal regulations as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

It is the policy of the HA that a guest will be permitted to stay in the assisted up to 21 cumulative calendar days during any 12-month period.

There shall be an exception for children who are subject to a joint custody arrangement or for whom a family has visitation privileges and are not included as a family member because they live outside of the assisted household more than 50 percent of the time.

Other exceptions may be requested for compelling reasons and will be considered by the HA on a case by case basis.

This is PHA policy relative to Section 8 program rules. To the extent that the landlord has a more restrictive policy within the assisted lease, the tenant shall still be bound by the terms of the lease with regard to the guest policy. To the extent the landlord has a more lenient policy the HA policy shall continue to apply to the assisted tenancy.

G. Relocation Policy

1. Permitted Relocation

A family may generally move to a new unit if:

The assisted lease for the old unit has terminated. This includes a termination because the PHA has terminated the HAP contract for the owner's breach or the lease has terminated by mutual agreement of the owner and the tenant.

The owner has given the tenant a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant. In such cases the move will not be permitted if such owner action is based upon the family's act or failure to act and the DHA is currently proceeding to terminate assistance on such basis.

The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach, or otherwise).

The family or a member of the family is or has been the victim of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member. A PHA may not terminate assistance if the family, with or without prior notification to the PHA, already moved out of a unit in violation of the lease, if such move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit. If the family wants to move to a new unit, the family must notify the HA and the owner before moving from the old unit.

2. Mandatory Denial of a Family Request to Move

Unless there is an exception under VAWA or other applicable law, moves will be denied for families that are evicted for serious violation of the lease.

3. Discretionary Denial of a Family Request to Move

The HA may deny a family's request to move due to the family's action or failure to act as described in 24 CFR § 982.552 or 982.553. It is the policy of the HA to deny moves when violations of these regulations have occurred.

The HA may deny a family's request to move when the request to move does not comply with the PHA's policies on the timing and frequency of moves in accordance with 24 CFR § 982.354(c)(2). These policies include prohibiting any move by the family within the initial lease term and prohibiting more than one move by the family during any one-year period.

a. Initial Term of Lease

Currently, the HA most often approves leases with an initial term of one (1) year. The HA will generally require the family to remain in place during the initial year of an assisted tenancy, except in the following circumstances:

- the owner is in breach of the Lease Agreement and/or the HAP Contract;
- extenuating circumstances have been brought to the attention of the HA by the family and the HA determines that it is appropriate to grant approval to allow the family to move during the initial year of the assisted tenancy. The Housing Authority will take into consideration requests for Reasonable Accommodation and any applicable provisions of the Violence Against Women act where applicable in making determinations.

b. Extended Term of Lease

The HA will only allow the family to relocate during the extended term of the lease at the end of the extended term which will vary based upon the terms and conditions of the lease in question. However, if the landlord releases the tenant in writing from the terms of the lease relative to term and notice requirements, the family will not be denied relocation on this basis.

The HA may deny a family's requests to move due to insufficient funding in limited circumstances as described in PIH 2016-09 and the HA will comply with the requirements as set forth therein relative to any such denials.

4. Restrictions on Moving When the Family Owes Money

For so long as the family owes the HA money, the family will generally not be provided a voucher to move except in cases in which:

- The family is being evicted due to circumstances which of themselves would not subject the family to termination of participation, or
- The HA is terminating the HAP contract due to an owner's breach of the contract (including HQS violations that are the responsibility of the owner), or
- A move from the premises is required by the Violence Against Women Act or other federal, state or local law or ordinance, or for the physical safety of the family, or
- A move from the premises is required as a reasonable accommodation.

5. Restrictions on Moving When Termination is Pending

The HA denies a voucher to move at the family's request if the participant family is being terminated from the program. The informal hearing procedure remains the same.

A voucher to move will not be issued to the family until the hearing decision has been rendered. A voucher to move will only then be issued if the hearing decision reverses the termination.

H. Change in Family Unit Size

The family unit size (voucher bedroom size) is changed at the family's first annual reexamination following the change in family size.

1. Overhoused

If the family is over housed due to a change in family unit size, the family may remain in the unit or relocate at the election of the family. The voucher payment standard based upon the new family size will apply at the first annual reexamination.

b. Underhoused

If the family is under housed due to the change in family unit size, the family may remain in the unit provided that it meets minimum size standards under the Massachusetts State Sanitary Code and HUD's Housing Quality standards.

If the unit does not meet minimum standards under the Massachusetts State Sanitary Code or HUD's Housing Quality standards, the family will be required to relocate.

I. Family Absence from the Unit

The family may be absent from the unit for brief periods.

If a family will be absent from the unit for more than sixty (60) consecutive days, such family must receive advance written approval from the Housing Authority or such family will be considered absent from the unit for more than a brief period and Housing Assistance payments will be terminated.

In no instance will approval for absence from the unit of more than one hundred eighty (180) consecutive days be granted.

The Housing Authority may, in its sole discretion, under compelling circumstances, allow a family who necessitated absence from the unit for more than 180 consecutive calendar days to be readmitted to the Section 8 Program, provided that the family still meets all eligibility criteria for the Section 8 Program. This allowance will generally only be granted when a medical necessity, domestic violence keeping in mind any applicable provisions of the Violence Against Women Act, in cases of reasonable accommodation or other compelling circumstances were the cause for absence from the unit. In such cases the HA will take into consideration whether the family acted in a responsible manner in an attempt to fulfill their obligations in relation to the Section 8 program.

When such approval is granted the family must complete all required documents and submit to all screening of applicants to the program except that the income limit used for re admission may be the low income limit and there will be no screening for any waiting list preferences if applicable.

J. Who Remains on the Program if the Family Breaks Up

The Housing Authority is bound by the court's determination if a court determines the disposition of property between members of the assisted family in a divorce or separation decree.

When no such court determination has been made, the Housing Authority shall determine which members of an assisted family will continue to receive assistance if an assisted family breaks up. In making this determination, the HA shall consider the interests of all assisted family members. The HA will decide which family member receives the voucher on a case by case basis, and the following factors may be included in the Housing Authority's decision:

- (1) – the interests of any minor child/children;
- (2) – the interests of ill, elderly, or disabled family members;
- (3)- whether family members were forced to leave the unit as a result of actual or threatened physical violence, by a spouse or other member of the household, (the HA shall take this factor into consideration regardless of whether the individual(s) leaving the unit are the victim or the perpetrator) and any applicable provisions under the Violence Against Women Act.
- (4) – whether because of obligations under the lease or HAP assistance should remain with the family members remaining in the original assisted unit;
- (5) - if the sole remaining members of the household are all minors, an adult guardian of such minor children may be added to the family composition as the new "head of household" and;
- (6) - any other factors which in the discretion of the Housing Authority will affect the fairness and reasonableness of the determination.
- (7) - family members past record of fulfilling obligations under the program; and
- (8) – relative conduct of all of the parties.

VII. Termination of Assistance

A. Introduction

The Housing Authority may terminate assistance for a family because of the family's action or failure to act.

B. Form of Termination

Termination of assistance for a participant may include any or all of the following [24 CFR §982.552(a) (3)]:

1. Refusal to enter into a HAP contract or approve a lease;
2. Termination of HAP under an outstanding HAP contract; and
3. Refusal to process or provide assistance under portability procedures

C. Definitions

1. Drug-related criminal activity

i) Drug-related criminal activity is defined 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

An “illegal drug” is defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

ii) Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered, or is recovering from the addiction and does not currently use or possess the substance and has demonstrated successful completion of a rehabilitation program [24 CFR §982.553(b)].

In such cases the HA will require a Family member who has engaged in the illegal use of a controlled substance to submit verifiable evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the Unit.

2. Violent criminal activity

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member, their guests or invitees. Violent criminal activity also includes activity which occurs within the family, such as during domestic disputes. The HA will at all times comply with the Violence Against Women Act when making such determinations.

3. Preponderance of Evidence

In determining whether to terminate assistance based on criminal activity, the Housing Authority may terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

“Preponderance of evidence” is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

D. Mandatory Termination

The Housing Authority will terminate assistance for participants under the following conditions:

1. If any member of the family fails to sign and submit to HUD or Housing Authority required consent forms for obtaining information [24 CFR §982.552(b)(3)].
2. If a member of the family has failed to submit required evidence of U.S. citizenship or eligible immigration status [24 CFR §982.552(b) (4)].
3. The family does not meet the social security number disclosure, documentation and certification requirements.
4. If any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education. [24 CFR §5.612].
5. If 180 calendar days have elapsed since the Housing Authority's last housing assistance payment was made.
6. If any member of the family has been evicted from federally assisted housing for a serious violation of the lease. [24 CFR §982.552 (b) (2)].
7. If any member of the family has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing; [24 CFR §982.553].
8. If any Family Member is subject to a lifetime registration requirement under a State sex offender registration program in Massachusetts or any other State. This is regardless of longevity of conviction or completion of any rehabilitative program. [982.553 (a) (2)]
9. If any Family Member has been evicted from federally assisted housing within the last three years for Drug Related Criminal Activity [24 cfr 982. 553.(a) (1) (i)]
10. If the Family member is currently engaging in illegal use of a drug [24 CFR 982.553(a) (1) (ii) (A)]

11. If the HA determines that there is reasonable cause to believe that a Family member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents. [24 CFR 982.553(a) (1) (ii) (B)]

E. Discretionary Grounds for Termination of Assistance

The Housing Authority may at any time terminate program assistance to a participant, for any of the following reasons:

1. The family violates any family obligation under the program as listed in 24 CFR 982.551 [24 CFR §982.552(c) (1) (i)].
2. Any member of the family has been evicted from federally assisted housing within the past 5 years [24 CFR §982.552(c) (1) (ii)].
3. A PHA has terminated assistance under the program for any member of the family. [24 CFR §982.552(c) (1) (iii)].
4. If any member of the family has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program [24 CFR §982.552(c) (1) (IV)].
5. The family currently owes rent or other amounts to the Housing Authority or to another housing agency in connection with Section 8 or public housing assistance under the 1937 Act [24 CFR §982.552(c)(1)(v)].
6. The family has not reimbursed the Housing Authority or any housing agency for amounts paid under a HAP contract to an owner for rent, damages to the unit, or other amounts owed by the family under the lease [24 CFR §982.552(c)(1)(vi)].
7. The family breaches an agreement with any housing agency to pay amounts owed to any housing agency, or amounts paid to an owner by any housing agency [24 CFR §982.552(c) (1)(vii)].
8. A family participating in the family self-sufficiency (FSS) program fails to comply, without good cause, with the family's FSS contract of participation (COP) [24 CFR §982.552(c) (1) (viii)].
9. The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel [24 CFR §982.552(c) (1) (ix)].

(a) "Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial

epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination.

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

(c) Actual physical abuse or violence will always be cause for termination.

10. Failure to fulfill the obligations and conditions of the Welfare to Work program is grounds for termination of assistance. [24 CFR §982.552(c)(1)(x)]

11. Any household member, engages in criminal activity or alcohol abuse as described in 24 CFR §982.553. Specifically,

(a) A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) Any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

(c) Any family member has violated the family's obligation under §982.551 not to engage in any drug-related criminal activity.

(d) Any household member has violated the family's obligation under §982.551 not to engage in violent criminal activity.

(e) A 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.

The Housing Authority:

- o May terminate assistance for drug-related criminal activity that occurs on or off the premises of the assisted unit, or drug related criminal activity committed by a guest or invitee of any family member on the premises of the assisted unit. An arrest or conviction is not required to deny or terminate assistance.
- o May terminate assistance if the family violates the lease for drug-related criminal activity.
- o "Currently engaged in" is defined by the HA as the person has engaged in the behavior recently enough to justify the belief that the behavior is current.

F. Considerations in Certain Terminations

1. *Consideration of circumstances generally.* The HA has the discretion to consider all of the circumstances in each case including, but not limited to, the seriousness of the offense, the extent of the criminal history, the extent of participation by Family members, and the effects that termination will have on Family members not involved in the alleged activity.
2. *Reasonable Accommodation.* The HA shall consider a request for Reasonable Accommodation by a Participant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap.
3. *Mitigating Circumstances.* The HA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.
4. *Retention of assistance by a portion of the Family.* The HA may, in its discretion, allow only a portion or certain members of the Family to remain on the HCVP, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the Unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the Unit.
5. *Minors.* If the violating member is a minor, the Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.
6. *Domestic Violence.* The HA will consider an incident or incidents directly related to Domestic Violence, Dating Violence, Stalking or Sexual Assault as mitigating circumstances when the incident or incidents of Domestic Violence, Dating Violence, Stalking or Sexual Assault is directly related to the reason for termination. Under 24 CFR 5.2005(b), criminal activity directly related to domestic violence, dating violence, stalking or sexual assault engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member or affiliated individual of the tenant is the victim.

G. Family Obligations

As indicated elsewhere within this within this Plan, failure to abide by any of the family obligations is grounds for termination.

The term "promptly" when used with the family obligations always means "within 15 calendar days."

Family obligations are as follows:

1. Supplying Required information [24 CFR §982.551 (b) (1)]

- The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5). "Information" includes any requested certification, release or other documentation.
 - The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
 - The family must disclose and verify social security numbers and must sign and submit consent forms for obtaining information.
 - Any information supplied by the family must be true and complete.
2. HQS breach caused by family. The family is responsible for an HQS breach caused by the family for
 - Failure to pay for tenant-paid utilities
 - Failure to furnish required stove and or refrigerator if to be provided by family; or
 - Damage to the unit or grounds by the family or its guests beyond normal wear and tear.
 3. Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
 4. Violation of lease. The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(a), an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault will not be construed as a serious or repeated lease violation by the victim or threatened victim of the domestic violence, dating violence, stalking or sexual assault or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.
 5. Family notice of move or lease termination. The family must notify the PHA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner.
 6. Owner eviction notice. The family must promptly give the PHA a copy of any owner eviction notice.
 7. Use and occupancy of unit—

- (i) The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- (ii) The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide as provided in this section).
- (iii) The family must promptly notify the PHA if any family member no longer resides in the unit. When the family notifies the PHA, they must furnish the following information: The date the family member moved out; the new address, if known, of the family member; and a statement as to whether the family member is temporarily or permanently absent.
- (iv) If the PHA has given approval, a foster child or a live-in-aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining when PHA consent may be given or denied.
- (v) Members of the household may engage in legal profitmaking activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation. If the Dedham 'Housing Authority determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation. If the HA determines the business is not legal, it will be considered a program violation.
- (vi) The family must not sublease or let the unit.
- (vii) The family must not assign the lease or transfer the unit.
- (viii) Absence from unit. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit. See "absence from the unit" addressed elsewhere in this plan.
- (ix) Interest in unit. The family must not own or have any interest in the unit.

8. Fraud and other program violation. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
9. Crime by household members. The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see Sec. 982.553). Under 24 CFR 5.2005(b), criminal activity directly related to domestic violence, dating violence, stalking or sexual assault engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member of the tenant is the victim.
10. Alcohol abuse by household members. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
11. Other housing assistance. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

H. Registered Sex Offenders

If it is brought to the attention of the Housing Authority that a participant is on the sex offender registration list, the Housing Authority will review the matter on a case-by-case basis. The Housing Authority will consult with law enforcement and legal counsel and take appropriate actions based on findings.

I. Procedures for Non-Citizens

The Housing Authority is required to terminate assistance for participant families in which no members are U.S. citizens or eligible immigrants. If a family member does not establish citizenship or eligible immigration status as required, the Housing Authority will prorate the assistance, or if there are no eligible family members remaining, the Housing Authority will propose program termination and provide the opportunity for an Informal Hearing as required under HUD's Restrictions on Assistance to Noncitizens Rule.

The Housing Authority will terminate assistance for misrepresentations or submission of false information.

All Noncitizen rule matters will be governed by HUD regulations covering, Restrictions on Assistance to Noncitizens as set forth within the applicable CFR sections.

In addition to the mandatory components relating to the Noncitizen rule, the DHA does not require verification of United States Citizenship Status in addition to the execution of the applicable Declaration Form.

J. Zero Assistance (End of Participation)

The Housing Authority is required to automatically terminate the HAP contract 180 calendar days after the last housing assistance payment is made to the owner. A family receiving no assistance may remain in the unit for up to 180 calendar days after the last HAP payment. If the family is still in the unit after 180 calendar days, assistance is terminated. If within the 180-day period, an owner rent increase or a decrease in the TTP causes the family to be eligible for a housing assistance payment, the Housing Authority will resume assistance payments for the family.

In order for a family to move to another unit during the 180 calendar days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

K. Restriction on Leasing to Relatives

The family must not receive housing choice voucher program housing assistance while residing in a unit owned by a spouse, parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the Housing Authority has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

L. Option Not To Terminate for Misrepresentation of Income

If the family has misrepresented any facts that caused Housing Authority to overpay assistance, the Housing Authority may choose not to terminate at that time and may offer to continue assistance provided that the family agrees to pay the Housing Authority the amount owed and either pays the Housing Authority in full or executes a Repayment Agreement and makes payments in accordance with the agreement as addressed in greater detail in the section entitled, Payments by Families who Owe Money to the HA in this Administrative Plan.

M. Missed Appointments and Deadlines

It is a family obligation to supply information, documentation, and certifications as needed for the Housing Authority to complete required processes. The Housing Authority schedules appointments and sets deadlines in order to obtain the required information. Failure to supply requested information can result in termination of assistance. Examples of failing to supply requested information can include: failing to sign necessary documents, failing to return documents or returning incomplete or altered documents and failing to complete all information requested on documents.

The obligations also require that the family keep all appointments and allow the Housing Authority to inspect the assisted unit. All scheduled inspections are considered “appointments.”

Appointments are scheduled and time requirements imposed for the following events and circumstances:

1. Eligibility for Admissions;
2. Verification Procedures;
3. Voucher Issuance and Briefings;
4. HQS Inspections;
5. Re-examinations; and
6. Appeals (Informal Hearings/Reviews).

Examples of good cause for missing appointments or failing to provide information by deadlines are medical and/or family emergencies. In such cases, the family may be requested to provide verification of such circumstances.

An applicant or participant who fails to keep appointments, including HQS inspection appointments, or to supply information required by a deadline without notifying the Housing Authority may be sent a notice of termination of assistance for failure to comply with program rules.

The Housing Authority may grant exceptions to this policy as a reasonable accommodation.

N. Reporting Terminated Families to Enterprise Income Verification System (EIV)

If a family is terminated due to an adverse action or leaves the program owing money to the Housing Authority, the family will be reported to EIV. Additionally, if any debt is owed, the amount of the debt will be recorded in EIV.

O. Owners

Nothing in this section limits or affects PHA rights and remedies against and owner under a HAP contract.

P. Statutory and Regulatory Changes and HUD Directives

Nothing in the plan serves to limit the Housing Authority from terminating assistance on grounds authorized by State, Federal or local law or other provisions applicable to the Section 8 program.

VIII. Informal Review and Hearing Procedures

A. Informal Reviews for Applicants

1. Right to an Informal Review

Applicants who are determined Ineligible for Admission, issued a Notice of Withdrawal, denied Preference(s), or denied a reasonable accommodation² by the HA will be sent a notice which:

(a) Informs the Applicant of the reason(s) for Ineligibility, withdrawal or denial of Priority status or Preference(s);

(b) Advises the Applicant of his/her right to contest the decision in an informal review provided a written request for a review is received within twenty (20) calendar days of the date the Notice of Denial is issued. The request must be in writing and must state clearly the basis for requesting the informal review and be sent to the address provided on the notice;

(c) Advises the Applicant of his/her right to contest the CORI information in accordance with Federal and/or State law if that is the basis for determination of Ineligibility;

(d) Advises the Applicant that if s/he has a disability, not previously disclosed, that the disclosure of such condition would lead to the consideration of Mitigating Circumstances and/or a Reasonable Accommodation, if related to the disability. (If s/he requests a Reasonable Accommodation at the time of or after requesting an informal

² In cases where the underlying matter involving the request for a reasonable accommodation warrants an informal hearing such as termination of Section 8 assistance, the manner of appeal for the denial of a reasonable accommodation request will be an informal hearing on the matter.

review or hearing as applicable, the hearing officer or individual performing the informal review will make the decision regarding the accommodation);

(e) Advises the Applicant that if s/he has been the victim of Domestic Violence, Dating Violence, sexual Assault or Stalking, that such situations could be considered as Mitigating Circumstances if they are directly related to the negative information. (If s/he requests consideration of Mitigating Circumstances at the time of or after requesting an informal review, the hearing officer at the review will make the decision regarding the circumstances);

(f) Provides a description of the HA's informal review process and advises Applicants that they have the right to be represented by an attorney or other individual at the informal review, review the contents of their file in advance of the hearing, and the right to submit additional documents and evidence and to testify at the review.

2. Time to Request an Informal Review

The time to request an informal review shall be twenty (20) days from the date of notice of withdrawal, denial of assistance to the Family, denial of Preference, denial of a place on the appropriate waiting list, or denial of issuance of a Voucher, except in Non-Citizen Rule cases where the time period shall be thirty (30) days from the date of the notice of denial of assistance for any Family member.

3. Scheduling the Informal Review

When the HA receives the Applicant's written request HA will schedule an informal review.

(a) Notice of Informal Review. The HA will notify the Applicant in writing of the date, time and place of the review. The HA will send the notice to the Applicant's address of record. The notice shall also state the Applicant's rights to present evidence and testify, review their file, request a Reasonable Accommodation and right to be represented by an attorney or other individual at the hearing. The review shall be held at a convenient time and at an accessible location for the Applicant and the HA.

If an Applicant requests a Reasonable Accommodation at the time of or after requesting an informal review, the individual performing the informal review will make the decision regarding the accommodation.

(b) Default. The HA will withdraw an Applicant from the waiting list if the Applicant does not attend the informal review.

4. Applicant Rights during the Informal Review

During the informal review, the HA will put forth its evidence in support of a determination of Ineligibility, Withdrawal, or denial of or Preference(s). The Applicant will have an opportunity to present evidence and testimony rebutting the basis for the HA's determination.

5. Due Process Requirements

The informal review will conform to the following due process requirements:

(a) A person who did not participate in the original decision or subordinate of the person must conduct the review.

(b) The hearing officer must base the decision solely on evidence presented at the hearing as well as any evidence previously received by the HA.

(c) The Applicant and/or his/her representative has a right to inspect the file prior to the review, provided the Applicant provides the HA with written authorizations permitting the representative to have access to the contents of the Applicant's file and/or CORI.

(d) Either the Applicant or the HA may request after close of the review that the record remain open for a reasonable time for submission of new evidence. At the discretion of the hearing officer. Written notice of the record being held open, and the date the record will close will be given to the Applicant and kept in the HA case file.

7. Informal Review Decisions

After the informal review, all Applicants will be sent an "Informal Review Decision" from the HA hearing officer. This notice shall:

(a) Provide a summary of the review;

(b) Provide the decision of the hearing officer, together with findings and determination;

(c) Provide an explanation of the regulations and/or other applicable provisions utilized in making the decision;

(i) Reversal of HA's Determination of Ineligibility

If the Hearing Officer reverses the determination to deny the Applicant assistance or Preference status, the application will return to its appropriate place on the waiting list(s) for all programs previously selected by the Applicant. The HA will restore the status or position in accordance with the determination.

(ii) Confirmation of the HA's Determination of Ineligibility

(a) If the decision upholds the determination of Ineligibility, the Applicant will be denied participation in the Section 8 Program by the Housing Authority making the determination. The family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Housing Authority's governed by this administrative plan unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

(b) If the decision upholds the determination of Ineligibility based upon a family being over income for the Section 8 Program, program, the name will be removed from the Centralized Section 8 Waiting List if the Housing Authority making the determination is in the jurisdiction with the highest income limits of those Housing Authorities participating in the Centralized Section 8 Waiting List process. Otherwise, the family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be income eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Housing Authority in which the family was determined to be over income unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

B. Informal Hearings for Participant Families

1. When an Informal Hearing must be offered to a Family

The HA will offer a Family participating in the program an informal hearing for the following reasons:

- (a) A determination of the Family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment;
- (b) A determination of the appropriate Utility Allowance (if any) for tenant-paid utilities from HA allowance schedule;
- (c) A determination of the Family Unit Size under the HA Subsidy Standards;
- (d) A determination to terminate assistance for a Participant Family because of the Family's action or failure to act;
- (e) A determination to terminate assistance because the Family has been absent from the assisted Unit for longer than maximum period permitted under HA policy and HUD rules.

2. Special Cases of Explanation in Advance of Informal Hearing

In situations a-c of Section 1, "When an Informal Hearing Must be offered to a Family." (adjusted income, utility allowances, family unit size) the HA will notify the family that the family may ask for an explanation of the basis of the HA determination and if the family does not agree with the determination, the family may request an Informal Hearing on the decision.

3. When an informal hearing is not required

The HA is not required to provide a Participant Family an opportunity for an informal hearing for any of the following:

- (i) Discretionary administrative determinations by the HA;
- (ii) General policy issues or class grievances;
- (iii) Establishment of the HA schedule of Utility Allowances for families in the program;
- (iv) A HA decision not to approve an extension or suspension of a Voucher term;
- (v) A HA determination not to approve a Unit or tenancy;
- (vi) A HA determination that an assisted Unit is not in compliance with HQS;
- (vii) A HA determination that the Unit is not in accordance with HQS because of the Family size;

(viii) HA determination to exercise or not to exercise any right or remedy against the Owner under a HAP Contract;

4. Notice to the Family to Request an Informal Hearing

Participants will be sent a notice which:

(a) Informs the Participant of the reason(s) for Termination;

(b) Advises the Participant of his/her right to contest the decision in an Informal Hearing provided a written request for a Hearing is received within twenty (20) calendar days of the date the Notice of Termination is issued. The request must be in writing and must state clearly the basis for requesting the informal review and be sent to the address provided on the notice;

(c) Advises the Participant that if s/he has a disability, not previously disclosed, that the disclosure of such condition would lead to the consideration of Mitigating Circumstances and/or a Reasonable Accommodation, if related to the disability. (If s/he requests a Reasonable Accommodation at the time of or after requesting an informal hearing, the hearing officer will make the decision regarding the accommodation);

(d) Advises the Participant that if s/he has been the victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking, that such situations could be considered as Mitigating Circumstances if they are directly related to the negative information. (If s/he requests consideration of Mitigating Circumstances at the time of or after requesting an informal hearing, the hearing officer will make the decision regarding the circumstances);

(e) Provides a description of the HA's informal hearing process and advises Participants that they have the right to be represented by an attorney or other individual at the informal review, review the contents of their file in advance of the hearing, and the right to submit additional documents and evidence and to testify at the review;

5. Expeditious Hearing Process

The HA will hold a hearing and issue a decision within sixty days (60 days) from the date of the hearing or the date the record was closed, whichever is later. The Family will continue receive assistance while a decision is pending.

6. Hearing Procedures

(i) ***Time to request a hearing.***

The Participant has twenty (20) days from the date of the proposed termination letter, except in Non- Citizen Rule cases where the time period shall be 30 days from the date of the notice of termination of assistance for any Family member.

(ii) Scheduling.

The HA will schedule an informal hearing upon the receipt of a Participant's written request. The Participant will be given at least fourteen (14) days notice prior to the hearing date.

(iii) Discovery.

(1) The HA will give the Family the opportunity to examine before the hearing, any documents in HA's possession that are directly relevant to the hearing. The HA will allow the Family to make copies of the relevant documents before the hearing at the Family's expense. The HA will also allow a representative of the Family with an authorized release may have access to the file. If the HA does not make the document available to the Family for examination upon request, then the HA may not rely on the document at the hearing.

(2) The Family must allow the HA to examine any Family documents that are directly relevant to the hearing before the hearing upon request. The Family must allow the HA to examine the relevant documents at the HA and the Family will allow the HA to copy the relevant documents at the HA's expense. If the Family does not make the document available to the HA for examination upon request, then the Family may not rely on the document at the hearing.

(iv) Extension

Either party may request an extension if required to rebut documents that were not provided to the opposing party prior to the hearing. Extensions will be granted at the discretion of the hearing officer. The hearing officer may use discretion to grant an extension or continue the hearing to hear additional evidence or testimony.

(v) Amendments to Proposed Terminations

If the HA wishes to amend the grounds for the proposed termination, the HA must notify the Participant of the amendment in writing, not less than fourteen (14) days prior to the hearing date. The amendment will be sent by regular and certified mail to the Participant's address of record. When sending out an amended proposed termination notice, the amended notice should contain all violations. If the Participant has already requested a hearing due to the original proposed termination, a request for a hearing due to the amended notice is not required.

(vi) Representation of Family

At its own expense, the Family may be represented by a lawyer or other representative of the Family's choice.

(vii) Evidence

The HA and the Family will each be given the opportunity to present evidence and question any witnesses. The Hearing Officer may consider evidence without regard to admissibility under the rules of evidence applicable to judicial proceedings.

(viii) Hearing File

The hearing file shall consist of all documents submitted by either party in relation to the subject of termination.

(ix) Hearing Officer

Any party so designated by the HA may conduct the informal hearing, other than a person who made the decision under review or his or her subordinate. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA's hearing procedures.

7. Issuance of Decision

The hearing officer shall make a factual determination relating to the individual circumstances of the Participant based on a preponderance of the evidence presented at the hearing. The hearing officer shall take into consideration all relevant circumstances and any mitigating circumstances presented by the Participant. The hearing officer shall promptly render a written decision (within sixty days of the hearing or the date the record was closed, whichever is later) stating the reasons for the decision.)

The decision will contain the following information:

(i) Parties present and location: Name of the participant; Date, time and place of the hearing; Name of the hearing officer; Name of the HA representative; Name of family representative.

(ii) Background: A brief, impartial statement of the reason for the hearing.

(iii) Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony that are admitted into evidence.

(iv) Findings of Fact: The hearing officer will include all findings of fact.

(v) Other Considerations: The hearing officer will indicate that consideration was taken of all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure, these factors will be addressed in the decision.

(vi) Conclusion: The hearing officer will render a conclusion. The conclusion will result in a determination of whether these facts uphold the HA's decision.

(vii) Order: The hearing report will include a statement which indicates whether the HA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the PHA to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct the PHA to restore the participant's program status.

8. Failure to Attend the Hearing

The HA may terminate the subsidy, if the Participant did not attend the hearing and did not attempt to reschedule within twenty-four (24) hours prior to hearing. The HA will reschedule hearing when a Participant submits evidence of compelling circumstances that prevented the Participant attending the hearing on the scheduled date. If the Participant does not attend the hearing because the scheduling notice was not received due to the Participant's failure to give the HA the correct and most current address the HA may terminate the subsidy.

9. Effect of Decision

(i) If the decision to terminate the Family's assistance is upheld, the Family will no longer receive assistance under the section 8 program. The HA will promptly send the Owner and the Participant a 30-day notice of termination. There is no additional opportunity within the HA to appeal the hearing officer's decision.

(ii) If the decision to terminate the Family's subsidy is reversed, the Family will continue to receive assistance under the Section 8 program and will be considered a tenant in good standing.

(iii) The Executive Director or his/her or her designee may find that the HA is not bound by an informal hearing decision:

(1) Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing, or that exceeds the authority of the person conducting the hearing,
or

(2) Is contrary to HUD regulations or requirements, or otherwise contrary to federal, State or local law.

Under such circumstances, the Executive Director or his or her designee will make the determination to continue or terminate Participant's assistance. The HA will promptly notify the Participant of the determination, and of the reasons for the determination. There will be no further opportunity within the HA to appeal the decision.

(iv) The HA may use its discretion to overturn a hearing that was "upheld" if the reason for termination was discretionary.

10. Informal Hearings for Non-Citizen Rule Matters

The Informal Hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

IX. Procedural Guidelines and Performance Standards for Conducting Required HQS Inspections

The guidelines and performance standards included herein are consistent with practices utilized in the private housing market. Specifically, in private market units, generally an occupancy permit will be requested by the owner. To obtain such permit, an inspector from the local code enforcement agency, usually the Inspectional Service's Department for the town will come out to the unit and perform an inspection to ensure that the unit is in compliance with the Massachusetts State Sanitary Code. In the event that the unit does not pass inspection, the owner is provided a written description of the code violations and a time parameter within which to make repairs.

A. When Inspection shall be Performed

Inspections will be performed in the following instances:

1. Initial Inspection: Prior to the approval of the tenancy and at the beginning of the initial lease term the DHA must perform this initial inspection. This inspection will take place and the family and owner will be notified of the results within fifteen (15) days of submission of the Request for Tenancy Approval (RTA).

2. Biennial Inspections: The DHA will inspect units under a Housing Assistance Payments contract biennially. The DHA reserves the right to inspect more frequently as determined necessary by the DHA.

3 - Quality Control Inspection: A random sample of annual and initial failed and passed units are selected for Quality Control Inspections. According to this method at least undergo a Quality Control Inspection to ensure that all inspections are performed in accordance with HUD requirements. For purposes of SEMAP a cross section of passed and failed inspections, will be drawn from a cross section of neighborhoods and inspectors and will be within 3 months of the inspection to be valid for reporting.

4 - Upon Request of Tenant: The tenant may request that the Housing Authority perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's Housing Quality Standards.

5 - Upon Request of Owner: The owner may request that the Housing Authority perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's HQS. The HA will only perform such inspection if the HA determines that performance of such inspection is reasonable.

6 - Special Inspection: The Housing Authority may perform an inspection at any time to ensure that the unit is maintained in a manner consistent with HUD's Housing Quality Standards.

B. Standards Utilized

The PHA has an obligation to ensure that the unit meets certain Housing Quality Standards adopted by HUD in relation to the Federal Section 8 program. The PHA inspector, and its subcontractor(s), performs inspections, taking into consideration HUD HQS. The PHA, and its subcontractor, does inspect using the Massachusetts State Sanitary Code Standards because such standards still apply to the unit under Massachusetts law. The HQS inspection and application of such standards in no way eliminates the landlord's obligation to maintain the unit in accordance with the Massachusetts State Sanitary Code nor does it eliminate any rights or remedies of the tenant for the landlord's lack or failure to maintain a unit in accordance with requirements under State law.

In addition to the Massachusetts State Sanitary Code, the inspector shall apply the standards set forth by HUD in 24 CFR 982.401 which indicate the standards for the following aspects of Housing Quality: sanitary facilities; food preparation and refuse disposal; space and security; thermal environment; illumination and electricity; structure and materials; interior air quality; water supply; lead-based paint; access; site and neighborhood; sanitary conditions; and smoke detectors.

1. Non-Life-Threatening Conditions

Non-Life-Threatening condition is defined as any condition that would fail to meet the housing quality standards under 24 CFR 982.401 and is not a life-threatening condition.

2. Life-threatening Conditions

Life-threatening Conditions are as follows:

(1) Gas (natural or liquid petroleum) leak or fumes. A life-threatening condition under this standard is one of the following: (a) A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking; or (b) a strong gas odor detected with potential for explosion or fire, or that results in health risk if inhaled.

(2) Electrical hazards that could result in shock or fire. A life-threatening condition under this standard is one of the following: (a) A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed; (b) a light fixture is hanging by its wires; (c) a light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day to day use of the unit; (d) a receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed; (e) a receptacle (outlet) or switch has a missing or damaged cover plate and electrical connections or wires are exposed; (f) an open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses; (g) a cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections; (h) any nicks, abrasions, or fraying of the insulation that expose conducting wire; (i) exposed bare wires or electrical connections; (j) any condition that results in openings in electrical panels or electrical control device enclosures; (k) water leaking or ponding near any electrical device; or (l) any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition.

(3) Inoperable or missing smoke detector. A life-threatening condition under this standard is one of the following: (a) the smoke detector is missing; or (b) the smoke detector does not function as it should.

(4) Interior air quality. A life threatening condition under this standard is one of the following: (a) the carbon monoxide detector is missing; or (b) the carbon monoxide detector does not function as it should.

(5) Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting. A life- threatening condition under this standard is one of the following: (a) The chimney or venting system on a fuel fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gases; (b) a gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside; (c) a fuel fired space heater is not properly vented or lacks available combustion air; (d) a non-vented space heater is present; (e) safety devices on a fuel fired space heater are missing or damaged; or (f) the chimney or venting system on a fuel fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged which may cause improper or dangerous venting of gases.

(6) Lack of alternative means of exit in case of fire or blocked egress. A life threatening condition under this standard is one of the following: (a) Any of the components that affect the function of the fire escape are missing or damaged; (b) stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency; or (c) the building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency.

(7) Other interior hazards. A life threatening condition under this standard is a fire extinguisher (where required) that is missing, damaged, discharged, overcharged, or expired.

(8) Deteriorated paint, as defined by 24 CFR 35.110, in a unit built before 1978 that is to be occupied by a family with a child under 6 years of age. This is a life-threatening condition only for the purpose of a condition that would prevent a family from moving into the unit. All lead hazard reduction requirements in 24 CFR part 35, including the timeline for lead hazard reduction procedures, still apply³.

(9) Any other condition subsequently identified by HUD as life threatening in a notice published in the Federal Register. HUD will notify PHAs if such changes are made.

C. Failed Inspections

1. Initial Inspections

As a result of the HOTMA amendments to Section 8(o)(8)(A)(ii) of the 1937 Act, the DHA may elect to approve an assisted tenancy, execute the HAP contract on a unit that fails the initial HQS inspection, provided the unit's failure to meet HQS is the result only of non-life-threatening conditions, as such conditions are defined by HUD.

It is the DHA policy to do so for only certain initial inspections under limited circumstances. In such instances the owner will be notified by the Direction of Section 8 Assistance. Otherwise, it shall not be assumed by the owner that the DHA will exercise this special authority.

The DHA will utilize this authority when violations are minor and few enough so as to lead the DHA to believe that all of the non-threatening violations will be repaired within 30 days and there is not sufficient time left in the month for the owner to make the necessary repairs and have the unit reinspected in advance of the HAP contract effective date. The DHA will make this determination on a case by case basis taking into consideration the violations in question and the owner's ability to make such repairs. Such factors such as the ability of the appropriate party to make said repair and weather related issues may be taken into consideration as part of this analysis.

Further the DHA will not execute the HAP if there are other reasons to believe that the non-life threatening violations may not be repaired and the unit reinspected within 30 days such as history of the owner's noncompliance with HQS.

³ This is a mandatory HUD definition, Nothing in this Administrative Plan is intended to waive any obligation on the part of the owner or manager of the assisted unit with regard to the laws relative to Lead Based Paint in the Commonwealth.

The DHA will provide the family a list of the deficiencies and offer the family the opportunity to decline to enter into the assisted lease without losing the voucher. The DHA will also notify the family that if the owner fails to correct the nonlife-threatening deficiencies and have the unit reinspected within the DHA-specified time periods, the DHA will terminate the HAP contract, which in turn terminates the assisted lease, and the family will have to move to another unit in order to receive voucher assistance.

The DHA will ensure that the unit does not have any life-threatening deficiencies before the DHA approves the assisted tenancy and executes the HAP contract. The DHA will document that the unit passes all inspection items that relate to any life-threatening deficiencies identified in this Administrative Plan (including those on HUD's list of life-threatening deficiencies).

Nothing in this Administrative Plan serves to modify any obligation has under the law with regard to ensuring that the unit meets state any local law or code requirements prior and during occupancy by the family. The owner is still responsible to ensure that the unit is in compliance with state and local requirements such as the State Sanitary Code and any local health ordinances.

The procedures below with regard to notifications, time frames etc. shall generally apply in cases of failed initial inspections unless otherwise so noted.

2. Procedures for Failed Inspections

a. Notification of Failure

After an inspection is completed, if a unit fails inspection a letter is sent out to the landlord and the participant listing the violations and the time period for repair.

The letter will indicate that if the repairs are not made that withholding (suspension), abatement or termination will occur depending on the circumstances and if the violations are tenant or owner responsibility.

- Life-threatening violations must be corrected within twenty-four (24) hours.
- For other HQS violations, corrections must be made within thirty (30) days.

In cases where the DHA is utilizing its special authority described above to approve an assisted tenancy prior to reinspection on a unit that fails the initial HQS inspection due to non-life threatening violations, the notice also states that that DHA will withhold payment until the reinspection date and release payment if and when the inspection verifies correction.

b. Extensions Beyond Initial Correction Period and Abatement

Upon request of an owner in compelling circumstances, in cases of non-life threatening violations only the Housing Authority may provide extensions if necessary based upon the facts and circumstances of each case. Even if an extension has been granted, HAP payments may be withheld (suspension) until such time as the unit passes inspection. Withheld (suspended) payments will be provided only if and when the unit passes inspection.

Abatements will begin on the first of the month following the failure to comply after the expiration of an extension or when no extension has been granted. All abated rent is forfeited.

c. HAP Contract Termination

The HA will terminate the HAP contract if repairs are not made. The HA will decide how long payments will be withheld (suspended) or abatement will continue prior to contract termination taking into consideration the nature of the violation, the extent of the repairs and the good faith of the landlord in attempting to make said repairs and any request on the part of the family to relocate. However, for units under which the DHA exercised the special authority to execute the HAP with the existence of non-life threatening deficiencies under no circumstances will the HAP contract continue beyond 180 days of the effective date of the HAP contract if unit is not in compliance with HQS.

Families are permitted to relocate in cases where the PHA has terminated the HAP contract for the family's unit for the owner's breach.

Action taken by the Housing Authority will depend on the facts and circumstances of each individual case. Failure to terminate the HAP contract, withhold, or abate payments to an owner or to terminate assistance to a participant in one instance shall not stop the HA from taking such action in the future.

d. Reasonable Reinspection Fees

When the owner notifies the HA that a repair has been made but the deficiency has not been corrected or when the time for repairs has elapsed and the deficiency has not been corrected the HA may elect to charge a reasonable reinspection fee in the amount equal to the fee charged to the HA by their inspections subcontractor. Said fee will not be charged if deficiencies were caused by the participant family; if the inspector was unable to gain access to the unit; or only new deficiencies were identified during the reinspection.

3. Family Caused HQS Breach

For HQS breach caused by the family, the family must make repairs within the time parameter set forth above otherwise the HA may terminate assistance to the family. Family caused HQS breach is the following:

1 - Family fails to pay for any utilities that the owner is not responsible to pay for, but which are required to be paid by the tenant;

2 - Family fails to provide and maintain appliances that the owner is not to provide but which are to be provided by the tenant;

3 - Any member of the family or a guest damages the dwelling unit causing a violation of HQS (damages beyond reasonable wear and tear).

D. Remote Verification of HQS Deficiencies for Annual or Interim Inspections

The HA reserves the right to accept an owner's certification, a receipt from a vendor, a photo of the repair or tenant confirmation that required repairs are complete and then verify that action at the next on-site inspection.

The HA will use this verification process when appropriate in light of the severity of corrections.

In the case of initial inspections, the HA will always conduct an actual follow-up on-site inspection if the unit does not pass HQS pursuant to the initial inspection.

X. Other Forms of Assistance

A. Use of Special Housing Types

1. Reasonable Accommodation

Unless so noted under the specific housing type addressed in Sections 2-7 below, special housing types shall be provided only if the provision of such serves to reasonably accommodate a person with a disability.

Special Housing types include the following:

2. Single Room Occupancy

A single room occupancy (SRO) unit provides living and sleeping space to be used exclusively by the (individual) occupant. The occupant shares sanitary and/or food preparation facilities with other individuals.

The payment standard and utility allowance utilized will be 75% of a zero bedroom unit.

The HA will use a separate lease and housing assistance payment contract for each assisted person residing in a SRO.

The HQS in 24 CFR 982.401 applies to SRO housing units, except where there are special regulations for SRO units in 24 CFR982.605. In addition, sanitary facilities and space and security features must meet local code standards for SRO housing. In the absence of local code standards, the regulations at 24 CFR 982.605 apply.

3. Congregate Housing

Congregate housing is intended for use by elderly persons or persons with disabilities. The housing contains a shared central kitchen and dining area as well as a private living area for the individual household. The private living area contains at least a living room, bedroom and bathroom. Food service for residents of congregate housing must be provided by the facility.

The payment standard utilized will be that of a zero bedroom unit, unless there are two or more rooms (excluding kitchen and bathroom) in such case the one bedroom payment standard will be utilized.

For congregate housing, there must be a separate lease and HAP contract executed for each assisted family.

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the housing quality standards for congregate housing.

The HQS in 24 CFR 982.401 applies to congregate housing, except for the areas of food preparation and refuse disposal.

The HQS standards specific to congregate housing are set forth at 24 CFR 982.609.

4. Group Homes

A Group Home is a dwelling unit that is licensed by the State as a Group Home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities. A group home shall be licensed or certified by the Commonwealth of Massachusetts. It shall house no more than twelve (12) persons.

The group home will have residents' bedrooms, which can be shared by no more than two people; living room; kitchen; dining area; bathroom; and other appropriate social, recreational, or community space that may be shared with other residents.

Rental calculations for a group home are set forth in 24 CFR 982.613 and indicate that a person's "pro-rata portion" is derived by dividing the number of assisted persons in the household (including live-in-aides of such assisted persons), by the total number of residents.

Rent reasonableness will be determined according to 24 CFR 982.507 and whether sanitary facilities or food preparation services are common or private, the rent to the owner will not exceed the pro-rata portion of the reasonable rent for the group home.

A zero or one-bedroom payment standard will be utilized unless a live-in-aide is present. The utility allowance will be the pro-rata portion for the group sized home.

24 CFR 982.614 and 982.401 (b) govern Housing Quality Standards for group homes.

5. Shared Housing

The HA may approve "shared housing" in which other persons who are assisted or not assisted under the tenant-based program may reside in the "shared housing unit." While the owner of a shared housing unit may reside in the unit, he/she may not be related to the Section 8 participant.

Further, housing assistance will not be paid on behalf of an owner.

There will be a separate HAP Contract and lease for each assisted family residing in a shared housing unit.

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

24 CFR 982.618 and 982.401 governs HQS for "Shared Housing" unit.

6. Cooperative Housing

Cooperative housing is a special housing type owned by a nonprofit corporation or association, where a member of the corporation or association has a right to reside in a particular unit. That member also has the right to participate in the management of the housing.

The HA may approve a family living in cooperative housing if it determines that assistance under the Section 8 program will help maintain affordability of the cooperative unit for low-income families.

The HA will not approve assistance for a family in cooperative housing until the HA has determined that the cooperative has adopted affordability requirements to maintain continued affordability for low-income families.

The rent to owner for this form of housing is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative. The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperative's debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down-payments or other payments to purchase the cooperative unit. Gross rent is the carrying charge plus any utility costs.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to limitations on rent to owner.

HQS for cooperative housing are governed by 24 CFR 982.401. HUD regulations at 24 CFR 982.619(d) specify family obligations relating to HQS maintenance for this housing type.

7. Manufactured Homes

A Manufactured Home is a manufactured structure that is built on a permanent chassis. It must be designed to be used as a principle place of residence and must meet HUD HQS.

A manufactured home must be placed on the site in a stable manner, and, must be free from hazards such as sliding or wind damage. A manufactured home must be securely anchored by a tie-town device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

The FMR for a manufactured home space is determined by HUD. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit. The payment standard is used to calculate the monthly housing assistance payment for a family.

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

- a** – The payment standard minus the total payment; or
- b** - The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the HA:

- Rent to owner for the manufactured home space;
- Owner maintenance and management charges for the space;
- The utility allowance for tenant paid utilities.

If necessary, the HA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges are not provided, however, utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

B. Special Rules for Use of Special Purpose Vouchers

This Housing Authority Administers a Homeownership Program and the information regarding said program is set forth in the Homeownership Option Administrative Plan Amendment attached hereto as an Exhibit to this Administrative Plan.

Special rules relative to the Nonelderly Disabled (NED) Vouchers may be found within the funding Notice of Funding Availability and application for said program.

Further, the rules for administration of any Enhanced Vouchers are found in HUD Notices governing the administration of such vouchers.

XI. Administrative Matters

A. Denying Family Requests to Move Due to Insufficient Funding

1. Introduction

If the DHA approves a family's request to move and then subsequently experiences a funding shortfall, the DHA may only rescind the voucher if the family is allowed to remain in its current unit. If the family cannot remain in the unit (e.g. family has already vacated the unit or family has already notified the owner of their intent to vacate and the owner has re-let the unit to another family) the DHA will not rescind the voucher. And the family will be allowed to lease a new unit. This requirement applies to moves within the PHA's jurisdiction and to portability moves.

2. Definitions

Higher cost unit: is defined as a unit which requires a higher subsidy amount due to an increase in the gross rent for the new unit.

Higher cost area: is defined as an area where the DHA would have to pay a higher subsidy amount due to higher payment standards or more generous subsidy standards of the receiving PHA (e.g. the receiving PHA issues a 3-bedroom voucher to a family that received a 2-bedroom voucher from the initial PHA).

3. When the DHA May Deny a Move Due to Insufficient Funding

The DHA may only deny a request to move due to insufficient funding if all of the following applies:

(a) The move is to a higher cost unit (for moves within the DHA's jurisdiction) or to a higher cost area (for portability moves).

The DHA may not deny requests to move due to insufficient funding if the subsidy for the new unit is equal to or less than the current subsidy being paid for the family. PHA may not deny requests to move due to insufficient funding if the area the family has selected is not a higher cost area.

Further, the DHA will not deny the move for families moving within the PHA's jurisdiction (even if the new unit is a higher cost unit) if the family must move from their current unit (e.g. the unit failed HQS, the owner failed to renew the lease, etc.). However, if the family is moving under portability, the PHA may deny the move under these circumstances if the family is moving to a higher cost area under portability and the receiving PHA is not absorbing the family into their program.

(b) The receiving PHA is not absorbing the voucher (applicable only to portability moves).

The DHA may not deny a family request to move under portability if the receiving PHA has confirmed that they will absorb the family into their program. In such cases, the initial PHA has no grounds to deny the portability move under 24 CFR § 982.354(e) (1).

(c) The DHA would be unable to avoid termination of current participants during the calendar year in order to remain within its budgetary allocation (including any available HAP reserves) for housing assistance payments.

The DHA will not deny a family's request to move due to insufficient funding because it wishes to admit additional families from its waiting list into its voucher program, regardless of whether it has unit months available to do so. If the DHA denies a family's request to move, it may not subsequently admit families from its waiting list to its HCV program until families with open requests to move are processed.

4. Notifying the Local PIH Field Office

The DHA will provide written notification to the local PIH field office within 10 business days of the date on which the PHA determines it is necessary to deny family moves due to insufficient funding. Only one notification per calendar year will be provided and it will include the following:

(a) A financial analysis that demonstrates insufficient funds are projected to meet the current calendar year projection of expenses. (See Determining Whether There Is Sufficient Funding)

(b) A statement certifying the PHA has ceased issuing vouchers and will not admit families from their waiting list while the limitation on moves is in place.

(c) A copy of the PHA's policy stating how the PHA will address families who have been denied moves.

The DHA does not need prior HUD approval to deny a family move for insufficient funding, subject to the section entitled Improper Denial of Requests to Move.

5. Determining Whether There Is Sufficient Funding

In projecting whether there is sufficient funding available for the remainder of the calendar year, the DHA will make reasonable estimates to factor in conditions such as pending rent increases that would affect the subsidy and the attrition rate for families leaving the program. The DHAs will not include projected costs for vouchers issued to families from the waiting list but not yet leased as part of this analysis. Vouchers issued to those on the waiting list will not be considered an expense for purposes of determining whether to deny a move due to insufficient funding until such time that HAP contracts are executed and the PHA is legally obligated to make HAP payments. An initial HA may also consider any reported changes in the family's income or composition that may result in a decreased subsidy amount.

The DHA may use the two-year forecasting tool is available on HUD's website to assist in determining if sufficient funding is available to support a move. However, the DHAs is not required to use this tool and may choose to use other tools.

6. Specific Policies Addressing Denial of Family Moves For Insufficient Funding

a. Notice to families of the PHA's local policy regarding moves denied due to insufficient funding

At the time a family is denied a move due to insufficient finding they will be provided with a letter explaining that the move is denied for such reason. This letter will inform them that they will be contacted in writing on or before January 1st of the following calendar year with the status of the matter. Further, the letter will explain that at such time as adequate exists they family will the informed of such fact and notified that they have the right to resubmit a Request for Tenancy Approval for the higher cost unit or area.

The family will also be notified in the initial letter that they may still relocate to (1) a unit which is not of higher cost (2) to an area which is not of higher cost or (3) to a higher cost unit or areas if a receiving PHA will absorb them into their program.

b. How long the family's request to move will be open for consideration

The family's request for move to a particular higher cost unit or area will be removed from consideration at such time as it is denied for one of the reasons set forth herein. However, the family will be informed at such time as adequate funding exists that they may submit a Request for Tenancy Approval for a higher cost unit or area.

c. How the PHA will notify families with open requests when funds become available

The DHA will maintain log of families denied moves due to inadequate funding. Families will be sent a letter on or before January 1st of the following calendar year with the status of the matter. Further, the family may be contacted earlier if adequate funding to support the move to a higher cost unit or area. At that time the family will be notified that they have the right to resubmit a Request for Tenancy Approval for the higher cost unit or area. Families will be contacted in the order they were denied the move (first denied shall be the first contacted).

7. Improper Denial of Requests to Move

If HUD determines that the DHA lacks grounds to deny moves due to insufficient funding, the DHA will immediately inform any affected family and immediately process the family's request to move.

B. Terminating HAP Contracts Due to Insufficient Funding

1. Introduction

The Housing Authority (HA) may terminate the Housing Assistance Payments (HAP) contract if the HA determines that funding under the consolidated ACC is insufficient to support continued assistance for families in the program. (24 CFR 982.454)

In the event that the HA's Annual HAP Budget Authority is insufficient to support the number of Families currently under contract in the Section 8 program, the HA will analyze data to determine the number of Section 8 contracts that must be terminated due to the lack of sufficient funding. The HA shall will employ the following guidelines when terminating assistance due to insufficient funding. Vouchers with special purpose funding will receive special attention in accordance with PIH 2012-09 and are addressed specifically within this policy.

The HA will notify the HUD field office and its financial analyst at the Financial Management Center (FMC) prior to issuing notices of termination actions due to insufficient funding. The notice will be in writing and must include all measures taken to date to reduce or eliminate the shortfall and the number and date(s) of proposed termination.

2. Ongoing Funding Analysis

On a monthly basis the HA reviews per unit costs (PUC) and leasing and attrition rates. In the event that vouchers are over leased and/or HAP funds are over-utilized, the Section 8 Department will initiate appropriate corrective action to decrease leasing or utilization as applicable.

3. Cost Containment Measures

The Housing Authority will, to the extent necessary under program circumstances, employ the following measures to ensure cost containment:

1. Adjust Payment Standards;
2. Adjust Utility Allowances;
3. Ensure Reasonable Rents;
4. Adjustment of Subsidy Standards;
5. Adjustment of Minimum Rent;
6. Income matching/verification Employment of Anti-Fraud Efforts;
7. Adjustment of Interim Adjustment Policies and Procedures;

8. Restrict the Issuance of Vouchers;
9. Suspend or Cancel Vouchers in search status;
10. Place Leasing Moratorium into Effect; and or
11. Strengthen Enforcement of Participant Family Obligations.

Nothing in this section is intended to modify the Housing Authority's obligations under current law and the Housing Authority continues to comply with all policies and regulatory guidance in place in terms of program compliance notwithstanding its listing above. The HA will comply with these requirements, regardless of whether the HA is experiencing financial difficulties. However HUD has issued guidance reminding the HA that there are certain proactive steps the HA may take within the context of some of these requirements to better manage HAP expenses.

4. Administration of Housing Assistance Payment Contract Terminations

a. Determining the Order of Contracts to be Terminated

(i). Date of Initial Assisted Section 8 Lease

The HA shall terminate HAP contracts due to insufficient funding based upon the date of the participant family's admittance to the Section 8 program. The family that was first admitted to the program, according to the first assisted lease date, shall be the **first** to have assistance terminated due to insufficient funding. (i.e. those assisted longest will have HAP contract terminated first.)

For this purpose, the HA shall consider the Family's first assisted lease date under the HA's Section 8 Program to be their date of admittance to the Section 8 tenant based program.

(ii). Contracts which will be Terminated Last

Contracts for a family in any of the following categories shall be terminated only after all other contracts⁴ have been terminated:

- (i) Elderly Family,
- (ii) Disabled Family, or
- (iii) Any Family that is under an agreement in the Homeownership program or subject to a HA relocation agreement.

⁴ Contracts funded through funding for special purpose vouchers (SPVs) such as VASH, NED and FUP are required by HUD to be terminated last. Contracts assisted under these SPV Programs are excluded from this group of overall HAP contracts initially terminated. Thus, it is possible that a HAP could be terminated for a family in one of these situations (Elderly, Disabled, Relocation or Homeownership with HAPs still in place for SPV families. (See HUD Notice 2012-9)

b. Notification of Owner

The HA will provide the owner with a minimum of thirty (30) days written notice of, "Notice of HAP Contract Termination Due to Insufficient Funding." Said Notice will comply with notice requirements under the existing HAP. The Notice will be sent to the owner via certified mail. A copy will be sent via first class mail to the participant.

Said Notice shall set forth

- (i) The reason for termination,
- (ii) Reference the regulatory grounds for termination of the HAP contract, and
- (iii) The effective date of HAP contract termination.

c. Notification of Participant

The HA will provide the participant with a minimum of thirty (30) days written notice of, "Notice of Termination of Assistance Due to Insufficient Funding." Said Notice will offer the family an Informal Hearing on the matter. The Notice will be sent to the tenant via certified mail. A copy will be sent to the owner via first class mail.

Said Notice shall set forth

- (i) The reason for termination,
- (ii) Reference the regulatory grounds for termination, and
- (iii) The effective date of HAP contract termination.

5. Application for Section 8 Assistance

Participants with terminated HAP contracts may reapply for Section 8 Assistance by submission of an application for any open Section 8 waiting list. Termination of HAP due to insufficient funding is a no fault termination on the part of the participant. Participants may be entitled to a priority on certain Section 8 Waiting lists due to the termination of HAP. However, the Housing Authority will not automatically "resume" assistance to said families.

C. Payments by Families Who Owe Money to the HA

Grounds for denial or termination of Section 8 Assistance include situations in which the family owes money to the Housing Authority. Tenants are required to reimburse the PHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter

into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA will terminate the family's assistance. HUD does not authorize any HA sponsored amnesty or debt forgiveness programs.

The Housing Authority may, in its discretion, based on the facts and circumstances of the case, offer the family the opportunity to enter into a repayment agreement.

Factors considered in determining whether a repayment agreement will be offered include, but are not limited to, the following:

- 1 – the amount of money owed;
- 2 - the reason such money is owed and the extent of culpability on the part of family members;
- 3 – the family's evidence of commitment and ability to make repayment.

All repayment agreements will be in writing, dated, signed by both the tenant and the HA, and will include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements will contain the following provisions:

- a. Reference to the paragraphs whereby the tenant is in non-compliance and may be subject to termination of assistance.
- b. The amount of monthly retroactive rent repayment payable to the HA.
- c. The fact that terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- d. The fact that late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

Section 8 participants have the option as determined appropriate by the HA to repay the retroactive rent balance as follows:

1. In a lump sum payment; or
2. Monthly installment; or
3. A combination of 1 and 2, above

In the event of breach of the agreement by the family (i.e. late or missed payments), the Housing Authority shall retain the right to terminate the agreement and move forward with termination of Section 8 Assistance on grounds originally available at the time of execution of the repayment agreement and on any additional grounds which have become applicable since the execution of the repayment agreement. No move will be processed pending such proceedings on breach of agreement unless to do so is required as a reasonable accommodation or is required under VAWA.

In the event that a family makes one or more late payments which are accepted by the HA, this shall not stop the HA from terminating the agreement at a later date for failure of the family to again make payment within the time parameter set forth in the repayment agreement.

The Housing Authority reserves the right to refuse to enter into a repayment agreement with a family if the HA is of the opinion that such agreement should not be offered based upon the facts and circumstances of the case. In such cases the Housing Authority will proceed with collection action as no amnesty or debt forgiveness programs are authorized by HUD.

No move will be processed until an agreement is paid in full unless:

- The family is being evicted due to circumstances which of themselves would not subject the family to termination of participation, or
- The HA is terminating the HAP contract due to an owner's breach of the contract (including HQS violations that are the responsibility of the owner), or
- A move from the premises is required by the Violence Against Women Act or other federal, state or local law or ordinance, or for the physical safety of the family, or
- A move from the premises is required as a reasonable accommodation.

D. Board Approval of Administrative Fee Reserves

The Housing Authority must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for an HA fiscal year. If funds in the administrative fee reserve are not needed to cover HA administrative expenses (to the end of the last expiring funding increment under the Consolidated ACC), the HA may use these funds for other housing purposes permitted by state and local law. However, HUD may prohibit use of the funds for certain purposes.

The Housing Authority Board of Officials, or other authorized officials have determined that \$1000.00 may be charged against the administrative fee reserve without specific approval. All monies in excess of this sum will require approval of the HA Board of Officials or other authorized officials.

E. Significant Amendment

The DHA defines a Significant Amendment as discretionary changes in DHA Plans or Policies that fundamentally change the DHA's mission, goals, objectives, or programs, and which require formal approval of the board of commissioners.

Any changes in the DHA's plans or policies that are adopted pursuant to changes and HUD appropriations for revisions to HUD's regulatory or program requirements will not be considered significant amendments.

Exhibit A Homeownership Option

Exhibit B Family Self Sufficiency Action Plan