



**PINELLAS COUNTY  
HOUSING AUTHORITY**

**HOUSING CHOICE  
VOUCHER PROGRAM  
EFFECTIVE JANUARY  
2026**

**CLARIFICATION  
FEB. 18, 2026**

Clarification issued February 18, 2026

This clarification provides that the PCHA may provide a maximum of an additional 60 days in two thirty day increments for a maximum voucher term of 150 days. Prior Administrative Plan clerical error provided that the additional 60 day extensions would be for a maximum of 120 days.

## 7.4 Voucher Term

Link: [24 CFR 982.303\(a\)](#)

The initial voucher term is 90 calendar days. The family must submit a Request for Tenancy Approval that is complete and a proposed lease within the 90-day period unless the PCHA grants an extension. Families using a VASH vouchers and those with Non-Elderly Disabled vouchers will receive an initial search term of 120 days, which may be extended by a period of 60 days if requested.

### Voucher Extensions

Link: [24 CFR 982.303\(b\)](#)

Requests for extensions must be submitted to PCHA writing prior to the expiration of the voucher term. Extensions are permissible at the discretion of the PCHA up to a maximum of an additional 60 days in two 30 day increments. The maximum time limit on the voucher term (including extensions) is 150 days (*incorrectly stated in prior version as 120 days*), except when a reasonable accommodation is granted for persons with disabilities, families under the Veterans Affairs Supportive Housing (VASH) and Non-Elderly Disabled (NED) program or to find new housing when an assisted household has to be divided as a result of the violence or abuse covered by VAWA.

The PCHA will promptly decide whether to approve or deny an extension request and will notify the family of its decision and notate the extension date in the applicant/ family file.



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# CHAPTER 1- Program Authority and Objectives

Link: [United States Housing Act of 1937](#)

Pinellas County Housing Authority (PCHA) manages the Housing Choice Voucher (HCV) Program and other housing programs in the geographic area covering the county of Pinellas, Florida. Through its assisted housing programs, eligible families are provided the opportunity to obtain decent, safe, and sanitary housing.

Administration of PCHA's Housing Programs and the functions and responsibilities of PCHA staff comply with PCHA's policies and procedures, the Department of Housing and Urban Development's (HUD) regulations, and all applicable Federal, State and local fair housing laws.

## 1.1 Applicable Regulations

- [24 CFR Part 5](#): General Program Requirements
- [24 CFR Part 8](#): Nondiscrimination
- [24 CFR Part 35](#): Lead Safe Housing
- [24 CFR Part 903](#): Public Housing Agency Plans
- [24 CFR Part 982](#): Section 8 Tenant Based Assistance
- [24 CFR Part 983](#): Project Based Vouchers
- [24 CFR Part 985](#): Section 8 Management Assessment Program
- [24 CFR Part 100](#): Discriminatory Conduct Under the Fair Housing Act

## 1.2 PCHA Mission and Value Statement

The PCHA's mission is to provide quality affordable housing and improve the lives of residents. PCHA sets the standard for affordable housing in Pinellas County. Our belief is that everyone deserves a quality place to live. The PCHA Core Values include:

- Integrity: Upholding honesty, transparency and fairness in all we do
- Culture of Learning: Investing in our people and developing leaders
- Innovation: Viewing challenges as opportunities to evolve, adapt and improve.
- Accountable: Residents are our priority; we take ownership of our actions and deliver results.

## 1.3 Purpose of the Administrative Plan

Link: [24 CFR.982.54](#)

The Administrative Plan (Plan) establishes policies for implementation and administration of the Housing Choice Voucher Program administered by the PCHA. The Plan covers both admission to and continued participation in the Tenant Based, Project Based and RAD/PBV Housing Choice Voucher programs.

Issues not addressed in this document related to applicants, families and owners are governed by the Department of Housing and Urban Development Code of Federal Regulations, HUD guidance, or other applicable law. When circumstances arise and are not addressed by provisions in this Plan, they will be



reviewed on a case-by-case basis. If a conflict arises between or among the regulations identified in this Plan, the regulations specifically stated for the applicable program will take precedence.

## **1.4 Approval of Plan and Use of Administrative Fee Reserves**

[Link: 24 CFR 982.155](#)

Expenditures from the UNP account will be made in accordance with all applicable federal requirements. Expenditures will not exceed \$10,000 per occurrence without the prior approval of the PCHA’s Board of Commissioners. The PCHA is responsible for complying with all subsequent changes in HUD regulations pertaining to the programs administered by the PCHA. If such changes conflict with this Administrative Plan, HUD regulations will take precedence.

## **1.5 Housing Through Modernization Act**

[Link: HOTMA Resources | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016. Public Housing Authorities such as the PCHA implement the provisions of the law following HUD issued guidance. On February 14, 2023, HUD issued the Final Rule Implementing HOTMA Sections 102, 103, and 104 which were effective January 1, 2024 and required compliance by January 1, 2025 unless otherwise extended by HUD. These sections make changes to the United States Housing Act of 1937, particularly those affecting income calculation, reviews, and program eligibility. While some changes related to HOTMA were effective beginning in 2024 (such as the phasing out of Earned Income Disallowance), other changes cannot be effective until the housing management software and HUD systems are available to accept the new data. This date is referred to as the PCHA HOTMA Compliance Date. The PCHA will post on its website when the PCHA HOTMA Compliance Date has been established.



## CHAPTER 2 - General Administrative Provisions and Policies

### 2.1 Confidentiality and Privacy Policy

Link: [24 CFR 5.212](#); [HUD Form 9886A](#)

It is the policy of PCHA to guard the privacy of applicants and families and ensure the protection of records in accordance with the Privacy Act of 1974. PCHA will not disclose any personal information (including but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law.

This privacy policy does not limit PCHA's ability to collect such information as it may need to determine eligibility, compute housing assistance, and does not prohibit the PCHA from disclosing information to local law enforcement if the family is suspected of being involved in criminal or legal activity.

All applicant and family information will be kept in a secure location and access will be limited to authorized PCHA staff. PCHA staff will not discuss personal family information unless there is a business reason to do so.

### 2.2 Record Retention Policy

Link: [24 CFR 908.101](#); [24 CFR 35 Subpart B](#)

The PCHA will keep all documents related to a family's eligibility, tenancy, and termination for no less than three years following end of participation in accordance with HUD, State of Florida, and the County of Pinellas requirements.

The PCHA will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act, the equal access final rule, or VAWA.



## CHAPTER 3- General Fair Housing Policies

### 3.1 Nondiscrimination Policy

Links: [Fair Housing Act \(42 U.S.C\)](#); [Section 504 of the Rehabilitation Action of 1973](#); [Joint Statement of HUD and DOJ](#) and [24 CFR 982.54\(d\) \(6\)](#); [982.301\(b\) \(10\)](#); [982.304](#)

PCHA will not discriminate because of race, color, sex (includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, as well as gender identity and gender expression), religion, marital or familial status, age, disability, medical condition, national origin, ancestry, source of income, and sexual orientation. Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

PCHA provides information regarding Fair Housing and non-discrimination in housing on its website, in outreach materials, posters at its office, in the family briefing session and program packets, and owner meetings. When needed, PCHA will also assist with how to fill out and file a housing discrimination complaint.

### 3.2 Complying with Civil Rights Laws

The PCHA will comply with all federal, state and local non-discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

- [Title VI of the Civil Rights Act of 1964](#), which forbids discrimination based on race, color, religion, and national origin.
- [Title VIII of the Civil Rights Act of 1968](#) (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination
- [Executive Order 11063](#) which prohibits discrimination in federally funded housing.
- [Section 504 of the Rehabilitation Action of 1973](#), which describes specific housing rights of persons with disabilities
- [Age Discrimination Act of 1975](#) which prohibits discrimination based on age in programs or activities that receive federal financial assistance
- [Title II of the Americans with Disabilities Act](#), otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units)
- [Violence Against Women Reauthorization Act 2013](#) (VAWA) which provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- [Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity](#), also known as the “Equal Access Rule”



- Any applicable State laws or local ordinances that may apply, including those pertaining to Fair Housing or any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted

PCHA’s housing programs are open to all eligible individuals regardless of sexual orientation, gender identity or marital status. PCHA will not inquire about the sexual orientation or gender identity of an applicant or family for purposes of determining eligibility or otherwise making such housing available. The PCHA will not discriminate because of race, color, marital status, sexual orientation, national or ethnic origin or ancestry, sex, religion, age, familial status, source of income, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities.

Applicants or families who believe that they have been subject to unlawful discrimination may notify the PCHA either orally or in writing. Notifications made orally will be documented in writing by PCHA staff including complaint description, applicant/ family name, date, and PCHA staff taking complaints. PCHA will make every reasonable attempt to determine whether the applicant’s or family’s assertions have merit and take any warranted corrective action. The PCHA will attempt to remedy discrimination complaints made against the PCHA through the existing informal review, informal hearing, or other reconsideration. In addition to internal procedures to remedy allegations of discrimination, the PCHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD’s Office of Fair Housing and Equal Opportunity (FHEO).

Atlanta Regional Office of FHEO  
U.S. Department of Housing and Urban Development  
77 Forsyth St SW  
Atlanta, GA 30303  
(800) 440-8091

The Florida Commission on Human Relations  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399  
Phone: (850) 488-7082  
Toll-Free : 1-800-342-8170  
FAX : (850) 487-1007

### 3.3 Owner Nondiscrimination Requirements

Link: [Form HUD 52641](#); [PIH 2014-20](#)

The PCHA requires owners to comply with all applicable laws and statutes. In agreeing to participate in PCHA’s housing choice voucher programs, the owner must abide by the Housing Assistance Payments (HAP) contract which prohibits discrimination and requires that the owner:

- Not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the HAP contract.



- Cooperate with the PCHA and HUD in conducting equal opportunity compliance reviews and investigations.

PCHA refers Fair Housing complaints to the local fair housing agency as well as to HUD on behalf of a family that claims that illegal discrimination has prevented the family from leasing a suitable unit.

### 3.4 Family Outreach and Affirmative Marketing

The PCHA publicizes and disseminates information concerning the availability and nature of housing assistance to income eligible families. As part of the briefing process and on-going education, PCHA will provide information to HCV families about the opportunity to rent in a broad range of neighborhoods including:

- Information on general locations and characteristics of neighborhoods.
- A description of portability provisions available in the Housing Choice Voucher program.
- A map identifying areas within Pinellas County that are areas of low poverty and minority concentrations.
- Information regarding the benefits of living in low poverty areas
- Resources (e.g., newspapers, organizations, online search tools) known to the PCHA that may assist the family in locating a unit.
- Other information as required.

When PCHA's waiting list is open, PCHA will publicize the availability and nature of housing assistance through a wide variety of sources including local and State newspapers, minority media and the Pinellas County Housing Authority website. Efforts will be made to notify local officials, government agencies, and agencies that specifically address the needs of individuals with disabilities.

PCHA will monitor the characteristics of the population being served and the characteristics of the population in PCHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

### 3.5 Owner Outreach

[Link: 24 CFR.982.54](#)

PCHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The purpose of these activities is to provide more choices and better housing opportunities for families. Outreach to property owners is regularly conducted to develop interest in the program and to increase the number of units available in low-poverty areas. PCHA provides program information to any interested landlords. PCHA staff will be available to make presentations about the Housing Choice Voucher Program to these groups.



### 3.6 Language Assistance Plan and Limited English Proficiency Policy

Link: [Federal Register 1/22/07, 24 CFR 1](#)

The PCHA is committed to providing meaningful access to its programs and services to all eligible persons, including those who have Limited English Proficiency because of their national origin. PCHA will take affirmative steps to communicate with people who need services or information in a language other than English. LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this policy, LEP persons are HCV program applicants and participant families.

PCHA has determined that most participants speak either: English or Spanish. The PCHA staff can communicate in: English and Spanish. PCHA staff have specific knowledge of PCHA programs and policies, and PCHA will utilize staff for translation services when possible.

#### LEP Options

- PCHA will inform applicants and families of language assistance services.
- The PCHA will utilize a language line for telephone interpreter services.
  - When exercising the option to conduct remote briefings, informal reviews, or hearings, however, the PCHA will coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.
- Where feasible, the PCHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and standardize documents. Where feasible and possible, the PCHA will encourage the use of qualified community volunteers.
- When LEP persons request, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the PCHA. The interpreter may be an adult family member or adult friend.
- PCHA will not provide written translation but will provide written notice in the primary language of the LEP language group of the right to receive oral interpretation of those written materials, free of cost. Translation may also be provided orally.

### 3.7 Reasonable Accommodation Policy

Link: [24 CFR Part 8](#)

This policy applies to applicants and families. A reasonable accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that is necessary for a qualified individual with a disability to have the opportunity to participate in, and benefit from a program or activity.

PCHA will ask all applicants and families if they require any type of accommodation, in writing, on the intake application, re-certification documents, and notice of adverse action. The notice will include the title and phone number of the PCHA contact person for requests for accommodation for people with disabilities.



The PCHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the PCHA will consider the accommodation any time the family indicates that accommodation is needed whether a formal written request is submitted. If the request is made orally, the PCHA will document the request in writing including request specifications, family name, date, and PCHA staff taking request.

If a person with a disability requests accommodation to an existing rule, policy, practice, or service to fully access and utilize the PCHA's housing programs and related services, the PCHA will verify and evaluate the request. The PCHA will approve a request for accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the PCHA, or fundamentally alter the nature of the PCHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodation must be assessed on a case-by-case basis, considering factors such as the cost of the requested accommodation, the financial resources of the PCHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before deciding whether to approve the request, the PCHA may enter discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the PCHA may verify the need for the requested accommodation.

If the PCHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the PCHA's operations), the PCHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

### Legal Authority

This Policy is in compliance with the statutory PCHA listed below:

- [Section 504 of the Rehabilitation Act of 1973](#) (Section 504);
- [Titles II and III of the Americans with Disabilities Act of 1990](#) (ADA);
- [The Fair Housing Act of 1968](#), as amended (Fair Housing Act);
- [The Architectural Barriers Act of 1968](#); and
- [24 C.F. R. Parts 8](#)

### Definition of Disability

Person with disabilities is a person who:

- Has a disability, as defined in [42 U.S.C. 423](#);



- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - Is expected to be of long continued and indefinite duration;
  - Substantially impedes his or her ability to live independently, and
  - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
  - Has a developmental disability as defined in [42 U.S.C. 6001](#).
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means “individual with handicaps”, as defined in § [8.3](#) of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

### Examples of Reasonable Accommodations

- Allowing a larger unit voucher
- Allowing a larger utility allowance, due to increased usage for medical appliances
- Allowing a live-in aide, with the owner’s approval
- Alternative measures instead of program termination, if applicable based on the reason for termination
- Rescheduling appointments and/or hearings
- Attendance at a hearing of any other person approved by the PCHA
- Permitting an outside agency or family member to attend an interview or meeting

## 3.8 Live in Aide Policy

Links: [24 CFR 5.403](#); [24 CFR 8](#); [24 CFR 5.609\(c\)\(5\)](#); [24 CFR 966.4\(d\)\(3\)\(I\)](#)

The PCHA will approve a live-in aide if needed for families with elderly members, or as a reasonable accommodation to make the program accessible to and usable by a family member with disabilities.

Live-in aide means a person who resides with one or more elderly people with disabilities, and who:

- Is determined to be essential to the care and well-being of the person
- Is not obligated for the support of the people
- Who would not be living in the unit except to provide the necessary supportive services

A live-in aide is a member of the household, not the family, and the income of the aide is not considered in family income calculations. Relatives may be approved as live-in aides if they meet all the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and will not be considered a remaining member of a participant family.

A family’s request for a live-in aide must be made in writing, include the owner’s written approval if currently in a unit, and is subject to PCHA verification and approval. The live-in aide must pass the PCHA criminal background screening. For continued approval, the family must submit a new, written request,



subject to the PCHA verification and approval at each annual reexamination. The owner must continue to approve the live in aide residing in the unit.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is:

- Not obligated for the support of the person(s) needing the care, and
- Would not be living in the unit except to provide the necessary supportive services.

The PCHA has the discretion not to approve a particular person as a live-in aid, and may withdraw such approval, if the person:

- Does not meet PCHA's eligibility criteria
- Would cause the current unit to become overcrowded according to PCHA standards and local codes
- Falls under any category listed in this Policy in the Denials of Admission Section

### **3.9 Physical Impairment Policy**

Link: [24 CFR Part 8.6](#)

To meet the needs of people with hearing impairments, email communication and in-person assistance is available at the PCHA office.

When visual aids are used in meetings or presentations, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third-party representative (a friend, relative or advocate, named by the applicant or family) to receive, interpret and explain housing materials and be present at all meetings.

### **3.10 Violence against Women Reauthorization Act Policy (VAWA)**

Links: [Violence Against Women Reauthorization Act 2005](#); [24 CFR 5.2005 \(b\), \(d\), \(e\)](#); [24 CFR 5.2003](#); [24 CFR 5.2009](#); [24 CFR 5.2007 \(a\)\(1\)\(v\)](#); [Federal Register / Vol. 81, No. 221, VAWA 2022 Reauthorization](#)

This policy is applicable to all federally subsidized housing administered by PCHA. PCHA will not discriminate against an applicant or family based on the rights or privileges provided under the VAWA. This policy is gender-neutral, and its protections are available to persons who are victims (including affiliated individuals) of domestic, dating violence, sexual assault, or stalking.

The PCHA will not deny admission to the housing choice voucher program to any person because that person is or has been a victim or affiliated individual of domestic violence, dating violence, sexual assault,



or stalking, provided that such person is otherwise qualified for such admission. In addition to prohibiting a denial, termination, or eviction based on the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, PCHA will not deny admission to an applicant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

### VAWA - Notification of Rights

The PCHA will enclose in each application packet a notice advising applicants of their rights under VAWA. The PCHA will notify families of their rights under VAWA at admission to the program and with any adverse action notice along with a copy of the form HUD form 5380 (Notice of Occupancy Rights); HUD form 5382 (Certification of VAWA).

### VAWA - Confidentiality

All VAWA information provided to the PCHA, including the fact that an individual is a victim or affiliated individual of domestic violence, sexual assault, dating violence, sexual assault or stalking (VAWA violence); will be retained in confidence, and will not be entered into any shared database or provided to any related entity, except to the extent that disclosure is:

- Requested or consented to by the individual in writing
- Required for use in an eviction proceeding
- Otherwise required by applicable law

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, PCHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

### VAWA - Documentation

When a participant is facing lease termination because of the actions of a family member, household member, guest, or other person under the participant's control and a participant or immediate family member of the participant's family claims that she or he is the victim or affiliated individual of such actions and that the actions are related to VAWA violence, the PCHA will request in writing that the individual submit documentation within fourteen (14) business days affirming that claim. The written request will include instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline. PCHA may choose to extend the 14-day requirement to provide documentation or may choose to waive the requirement based on the circumstances surrounding the claim.

The individual may satisfy this request by providing any one of the following documents as described under [24 CFR 5.2007\(b\)\(1\)](#):

- Form [HUD-5382](#); or



- A document:
  - Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:
  - Signed by the applicant or tenant; and
  - That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under [24 CFR 5.2003](#); or
- A record of a Federal, State, tribal, territorial or local law enforcement agency (may include a police report), court, or administrative agency; or
- At the discretion of PCHA, a statement or other evidence is provided by the applicant or tenant.

### VAWA Lease Bifurcation

The PCHA may request the owner to bifurcate a family’s lease and terminate the tenancy of the culpable family member if the PCHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining non-culpable family members. In making its decision, the PCHA will consider all credible evidence, including, but not limited to, a signed certification or other documentation of abuse submitted to the PCHA by the victim.

If the PCHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, policies in this Administrative Plan and the PCHA VAWA Procedure. If necessary, the PCHA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the PCHA may refer the remaining family members to a victim service provider or other agency with shelter facilities.

### Limitation On VAWA Protection

VAWA does not limit PCHA’s otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, or stalking providing that PCHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.

VAWA does not limit PCHA’s authority to terminate the tenancy of any participant if PCHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that participant’s tenancy is not terminated.



In determining whether a participant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, PCHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, or stalking
- Whether the threat is a physical danger beyond a speculative threat, whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the participant wishes to contest PCHA's determination that he or she is an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing or in court proceeding.



## CHAPTER 4- Applying to the Program and Waiting List

[Link: 24 CFR 982.201 to 207](#)

### 4.1 Opening and Closing the Waiting List

Link: [24 CFR 982.206](#)

PCHA is responsible for establishing an application and selection process that treats applicants fairly and consistently and provides an effective method for determining eligibility. PCHA may choose to open or close the wait list based on the number of applications on file, the number of anticipated available vouchers and the waiting time for an available voucher. For targeted outreach efforts, if it has been determined that there is a specific need for applicants for a specific program the waiting list may be opened only for applicants to that program. Applications for any special program will only be accepted from those applicants that meet the criteria for the specific targeted population.

The PCHA will announce the opening of the waiting list at least 10 business days prior to the date applications will first be accepted. The closing date will be announced at the same time as the opening. If the list is only being reopened for certain categories of families, this information will be contained in the notice. PCHA will advertise through a wide variety of sources including local newspapers, PCHA's website, minority media and suitable social media. An effort will also be made to notify elected officials, government agencies and other agencies that specifically address the needs of individuals with disabilities.

In all wait list outreach efforts, the PCHA will specify the application selection method in the outreach material and on the PCHA web site.

All notices and advertisements announcing the opening of the waiting list will include:

- The dates the list will be open and closed
- The means by which applications will be taken (paper; electronic; other)
- Methodology for the selection of applicants
- Any limitations which may apply
- How to request reasonable accommodation

### 4.2 Application Process

No one will be denied the right to request or submit an application when the HCV waiting list is open. However, depending upon the composition of the waiting list with regard to family types and preferences and to better serve the needs of the community, the PCHA may only accept applications from any family claiming preference(s). When the HCV waiting list is open, PCHA will offer all applicants the opportunity to apply to other PCHA waiting lists, if open. PCHA does not charge any fee for any part of the HCV pre-application or application process.

Accommodations will be made for interested, disabled applicants. If on-line applications are utilized and an applicant needs assistance completing or submitting the on-line application, assistance may be provided through means identified by PCHA.



Only those pre-applications received by the due date as indicated by a postmark or other appropriate electronic submission verification tool during the period specified by PCHA will be accepted as eligible for pre-applications. The date the pre-application is received is the date it is postmarked or submitted electronically. During periods of open enrollment, applications can be placed by those with disabilities or those that do not have access by external organizations that provide human services and or at PCHA's designated locations.

An applicant is deemed preliminarily ineligible and not placed on the PCHA waiting list if:

- Currently housed in the same program and listed as the head of household or co-head of household.
- The application is incomplete or missing the required information.

### **4.3 Maintaining the Waiting List**

The PCHA will not merge the housing choice voucher waiting list with the waiting list for any other program the PCHA operates. The PCHA maintains site-based wait list for Project Based Vouchers.

The waiting list will contain the following information for each applicant listed:

- Name and address of head of household
- Number of family members
- Racial / Ethnicity information for the head of household
- Social security number for Head of Household
- Amount of annual income
- Date and time of application or randomized wait list selection number

### **4.4 Updating the Waiting List**

The waiting list will be updated as needed to ensure that all applicant information is current. When PCHA decides to update the Housing Choice Voucher waiting list, it will notify the applicants on the waiting list requesting updated information. The intent of the notification is also to determine whether the applicant is still interested in the Housing Choice Voucher Program.

The family's response must be received by the means specified in the notice. Responses should be transmitted by the appropriate means and received by the PCHA no later than the specified date provided in PCHA's notice. If the family fails to respond within the required time, or is undeliverable with no forwarding contact information, the family will be removed from the waiting list without further notice.

If the family is removed from the waiting list for failure to respond to request for update, they will not be entitled to reinstatement unless verification of the following is received within 30 calendar days from the response due date:

- The applicant provides evidence that a change of address / email was submitted to PCHA prior to the update notice being issued by PCHA



- During the time of any waiting list update or, at the time of notification for an interview, the applicant could not respond. For example, the applicant was incapacitated due to hospitalization or was unavailable due to active participation on Jury Duty
- As a result of a PCHA data entry error, the applicant address was PCHA incorrectly recorded PCHA
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by PCHA, and the applicant informed PCHA, in advance, of the proper means of communication, as required by regulations.

At the time PCHA conducts an opening of the waiting list to establish a new waiting list, no further requests for re-instatement will be accepted or considered by applicants claiming to have been on any prior waiting list.

When an applicant is removed from the waiting list during the update process for failure to respond, no informal review will be offered. Such failures to act on the part of the applicant prevent PCHA from making an eligibility determination; therefore, no informal review is required.

Notices will be made available in an accessible format upon the request of a person with a disability. An extension to reply to the update notification will be considered as reasonable accommodation if requested by a person with a disability.

## 4.5 Change in Circumstances

### Preference Status

Changes in an applicant's circumstances while on the wait list may affect the family's preference. Applicants are required to notify the PCHA in writing when their circumstances change.

When an applicant claims an additional preference, they will be placed on the waiting list in the appropriate order determined by the newly claimed preference.

The exception to this is, if at the time the family applied, the waiting list was only open to families who claimed that preference. In such a case, the applicant must verify that they were eligible for the first preference before they returned to the waiting list with the new preference.

### Change to the Family Composition

Changes to the family composition after an application has been submitted include addition of family members born to, adopted, or otherwise granted custody to the family by operation of the law, which may include foster children, live-in aid and spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list. PCHA will require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor in the family composition.



Changes to the family composition may also be allowed for families in which one or more children less than eighteen years of age live with the designee of the parent or legal custodian, with the parent or custodians' written consent. Documentation can include but is not limited to court documents, pre-need guardian, school records, other state and federal public assistance documentation, or durable powers of attorney. All other additions to the family will be considered only on a case-by-case basis and must be documented at the time such changes occur. These additions may include immediate family members (sons, daughters, siblings, parents, grandparents, grandchildren) and may be made for humanitarian or extraordinary reasons.

## 4.6 Local Preferences

Link: [24 CFR 982.207; 24 CFR 92.209 Tenant-based rental assistance](#)

Preferences establish the order of applicants on the waiting list. An admission preference does not guarantee admission. Every applicant must still meet PCHA's Selection Criteria before being offered a voucher. Applicants with more than one preference will be awarded the preference with the highest weight. Applicants with more than one equally weighted preference will be awarded a cumulative weight towards wait list position. PCHA has the following HCV preferences:

- **1<sup>st</sup> Preference: Termination due to Insufficient Funding**  
Families who were previously participants in the Housing Choice Voucher (HCV) Program and whose assistance was terminated due to insufficient program funding. When voucher funding becomes available, these families will be offered assistance before other applicants on the waiting list, provided that:
  - The family was in good standing at the time of termination (i.e., not terminated for program violations or noncompliance).
  - The family meets all current eligibility and screening criteria at the time assistance is offered.
  - Families will be offered vouchers in the order of their termination.
  
- **2<sup>nd</sup> Preference: Participants under the Emergency Housing Voucher Program**  
This population is currently assisted through the Emergency Housing Voucher (EHV) program, which will no longer receive funding. Families must remain in good standing with their lease and program requirements. At the time of their annual reexamination, eligible families will be offered a voucher through the tenant-based Housing Choice Voucher (HCV) program.
  
- **3<sup>rd</sup> Preference: Victims of a Federally Declared Natural Disaster or Persons Displaced by Government Action.**  
This preference applies to families that are victims of a federally declared natural disaster, families involuntarily displaced through no fault of their own because of government action, and families residing in a PCHA Housing Program who have been involuntarily displaced through no fault of their own as a result of demolition/disposition, modernization, rehabilitation, repositioning, relocation, or loss of funding. Residents must be in good standing with PCHA; however, PCHA may waive the good-standing status with regards to relocation. Families displaced because of government action must submit letter from government agency. Families



who are victims of a federally declared natural disaster must submit verification of submission of a FEMA Disaster Application and/or a FEMA Disaster Application Determination Letter. A family living in Pinellas County or living in a PCHA Housing Program that is displaced because of demolition or disposition of a public housing project will be given preference on the waiting list and may be classified as a special admission.

- **4<sup>th</sup> Preference: Reasonable Accommodation.**

PCHA assisted families, regardless of housing program, requiring reasonable accommodation which would otherwise not be accommodated due to the financial burden and where there is no reasonable alternative accommodation in a housing program administered by the PCHA.

- **Equally Weighted Preferences**

- **Working Family; Elderly or Disabled Family**

This preference applies to families who work or have been hired to work in Pinellas County. For the working family preference, the head, spouse, cohead, or sole member must be employed, and work or have been hired to work in Pinellas County. Acceptable forms of verification for the working family preference include an employer's verification letter and/or copies of two or more current and consecutive pay stubs that includes the employment address. In addition, under this preference, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

- **Veterans**

This preference applies to a person who resides in Pinellas County, who served in the active military service, and who was discharged or released under conditions other than dishonorable. Military Reserve members also qualify if currently serving honorably or discharged under conditions other than dishonorable. Acceptable forms of verification include a DD 214 (Certificate of Release or Discharge from Active Duty) for those no longer active or reserve duty or a current enlistment contract and/or unexpired military identification card will serve as appropriate proof of veteran status for those still in active reserve status or current enlistment.

- **Live/Work in Pinellas County**

This preference applies to families who live in Pinellas County. Acceptable forms of verification for residency includes two or more of the following documents that indicate the current reported residential address: Rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, voter's registration records, bank statements, benefits award letter, or written statement from a household with whom the family is residing. If homeless, the PCHA may accept a lesser standard of verification of residency. 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. Applicants who are working



or who have been notified that they are hired to work in Pinellas County will be as a resident for the purposes of this preference.

The PCHA HCV program also provides 75 vouchers for homeless families completing an approved self-sufficiency program in Pinellas County. For this population and program, applicants are referred from various community organizations or divisions of local government which are under a Memorandum of Understanding (MOU), Memorandum of Agreement, or a Contract with the PCHA.

When adopting a *new preference*, PCHA will notify all applicants on the current waiting list to determine if any are eligible under the preference ([24 CFR §5.655\(c\)](#)). PCHA will specify in public notice of a waiting list opening that current waiting list applicants may qualify for the preference. The notice will include any other information new applicants and current applicants on the waiting list will need to know about how to successfully apply and establish their preference status, including any partnering agencies with whom the owner may be working to receive referrals or determine preference eligibility.

If the PCHA denies the preference, PCHA will notify the applicant in writing of the reasons why the preference was denied and will return the applicant to the waiting list in the appropriate position without preference.

If the preference denial is the result of a fraudulent statement, the PCHA will notify the applicant that their application has been denied and will provide the applicant an opportunity to request an informal review of the denial of admission.

#### **4.7 Waiting List Placement**

Only applicants who submitted complete pre-applications prior to the deadline will be placed on the list for selection in the random selection process. Applicants who did not submit complete pre-applications or submitted the pre-application after the deadline will not be placed on the list for selection for the random selection process. Applicants selected in the computerized random selection process will receive notification that they have been placed on the waiting list. The PCHA will send written notification, through the PCHA's online applicant portal known as Rent Café or via first class mail of the preliminary eligibility determination within 10 business days of receiving a complete application.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Depending on the criteria outlined in the public notice issued by the PCHA, applicants will be placed on the waiting list as follows:

##### **For Date and Time:**

Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and the date and time their complete application is received by the PCHA. After placement



on the waitlist, preference (if applicable) will be applied.

**For Lottery:**

Applicants will be placed on the waiting list using a lottery system. Once each application has been randomly assigned a number, the applications will be placed on the waiting list in order of the assigned numbers and then, if applicable) have preferences applied.

#### **4.8 Assistance Targeted by HUD**

Link: [24 CFR 982.203](#); [982.203 \(2\)\(b\)\(1-5\)](#)

PCHA will admit a family that is not on the waiting list, or without considering the family's waiting list position or preferences in certain circumstances prescribed by HUD. PCHA will maintain records showing that the family was admitted with HUD-targeted assistance.

PCHA administers the following targeted programs:

- Veterans Affairs Supportive Housing (VASH)
- Non-Elderly Disabled (NED)
- Mainstream Voucher
- Emergency Housing Voucher (EHV)

#### **4.9 Continuously Assisted Families**

Link: [24 CFR 982.4](#); [982.203](#)

PCHA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time they were issued a voucher by PCHA.

#### **4.10 Relocation of Witnesses and Victims of Crime**

Link: <http://portal.hud.gov/hudportal/HUD?src=/programdescription/witness>

PCHA will provide Housing Choice Voucher assistance for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing. The PCHA will accept written referrals from HUD for such cases. All referred applicants must meet Housing Choice Voucher eligibility requirements before admission to the program.

#### **4.11 Selection from the Waiting List Notification**

PCHA will notify families in writing when they are selected from the waiting list, using the most recent contact information provided by the family. Notification may be sent by email if an email address has been provided. The notice will include the documents required to determine eligibility for the program. These documents must be completed and submitted by the applicant within the time specified in the notice.

Applications will be processed in order that completed packets are received by PCHA.



If a notification is returned as undeliverable or the applicant fails to respond within the specified timeframe, the family will be removed from the waiting list without further notice. Such failure to respond prevents PCHA from making an eligibility determination; therefore, no informal review will be offered.

If a family is removed from the waiting list for failure to respond, reinstatement will not be granted unless verification of one of the following circumstances is received within 30 calendar days of the response due date:

- The applicant provides evidence that a change of address or email was submitted to PCHA prior to the issuance of the update notice;
- At the time of the waiting list update or interview notification, the applicant was unable to respond due to circumstances beyond their control (e.g., hospitalization or active jury duty);
- The applicant's address or contact information was incorrectly recorded due to a PCHA data entry error; or
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by PCHA and had previously informed PCHA of the required accommodation, as permitted by regulation.

Once PCHA conducts an opening of the waiting list to establish a new list, no further requests for reinstatement will be accepted or considered from applicants claiming to have been on any prior waiting list.



## Chapter 5-Initial and Continuing Eligibility

Link: [24 CFR 982.4](#); [982.203](#)

### 5.1 Qualifications for Admission

PCHA will admit only applicants who are qualified according to all the following criteria:

- Are a family as defined by HUD. The PCHA uses the HUD definition of family as their standard.
- Qualify on the basis of citizenship or the eligible immigrant status of family members. Link [24 CFR Part 5, Subpart E](#)
- Provide Social Security numbers for all household members or certify that they do not have Social Security numbers. Link: [24 CFR Part 5, Subpart B](#)
- Have income at or below HUD-specified income limits. Link: [24 CFR Part 5, Subpart F](#)
- Have family assets that comply with HUD Eligibility Restrictions (24 CFR 5.618(a))
- Consent to PCHA's collection and use of family information as provided for in PCHA consent forms.

#### Income Eligibility

Links: [24 CFR 982.201\(b\)](#); [982.4](#); [248.101](#) & [173](#); HOTMA; [24 CFR 5.618](#)

An applicant must be eligible for the program according to all HUD requirements as well as meeting income eligibility for the area where the family initially leases a unit with housing assistance. An applicant porting into Pinellas County must be eligible in Pinellas County. An applicant porting out of Pinellas County must be income eligible in the area where the family leases an assisted unit.

To determine if the applicant is income eligible, the PCHA will compare the annual income (including the income from assets) of the family provided to PCHA at the time of eligibility determination to the HUD published PCHA income limit for the family's size. Changes in family income must be reported prior to the determination of eligibility.

#### Restriction on Assistance to Families Based on Assets

Link: [24 CFR 5.618\(a\)](#); [24 CFR 5.618\(a\)\(ii\)](#)

Effective upon the PCHA HOTMA compliance date, families may not receive assistance in the housing choice voucher program if their net family assets exceed the maximum amount (set by HUD annually) or if the family owns real property suitable for the family to live in.

A family cannot receive benefits if they have present ownership interest in, a legal right to reside in, and the effective legal authority to sell, based on The State Colorado laws, real property that is suitable for occupancy by the family as a residence.

The restriction on owning real property does not apply to:

- the PCHA Home Ownership program



- Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property
- Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking
- Any family that is offering such property for sale.

A property will be considered “suitable for occupancy” unless the family demonstrates that it:

- Does not meet the disability-related needs for all members of the family e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.)
- Is not sufficient for the size of the family
- Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the PHA or owner)
- Is not safe to reside in because of the physical condition of the property (e.g., property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied)
- Is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

### Social Security Number Disclosure

Link: [24 CFR 5.216, 5.218](#); [Notice PIH 2018-24](#)

The applicant and all members of the applicant’s household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. (These requirements do not apply to noncitizens who do not contend eligible immigration status).

If PCHA determines that the applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program for up to 90 days but cannot become a participant until it can provide the documentation to verify the SSN of each member of the household. The PCHA may accept the applicant self-certification of SSN and at least one third-party document, such as a bank statement, benefit letter, etc., that contains the name of the individual.

If a child under the age of 6 years was added to the applicant household within the 6-month period prior to the household’s date of admission, the applicant may become a participant, so long as the documentation required is provided to the PCHA within 90 calendar days from the date of admission into the program.

The PCHA will grant an extension of one additional 90-day period if the PCHA determines that, in its discretion, the applicant’s failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the applicant. If the applicant family fails to produce the



documentation required within the required time period, the PCHA must follow the provisions of [§ 5.218](#).

### Citizenship Requirements

Link: [24 CFR Part 5, Subpart E](#)

PCHA will verify the citizenship/immigration status of applicants at the time other eligibility factors are determined. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. Each family member must declare whether the individual is a citizen, national or an eligible noncitizen. Family members who declare citizenship or national status will not be required to provide additional documentation supporting the individual's declaration of citizenship and national status unless PCHA receives information indicating that an individual's declaration may not be accurate, such as a birth certificate.

All eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age. Prior to being admitted, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original USCIS documentation. Family members who do not claim to be citizens, nationals or eligible noncitizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of household.

## 5.2 Family Definition

Link: [24 CFR 5.403](#)

To be eligible for admission, an applicant must qualify as a family. The PCHA adheres to the HUD definition of Family. Each family must identify individuals to be included in the family at the time of application and must notify the PCHA if the family's composition changes within 10 business days.

### Head of Household

The family may designate any qualified adult family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

### Foster Adults, Foster Children and Live In Aides

Foster adults, foster children and Live-in aides are members of the household (and therefore will be considered when determining appropriate unit size and utility allowance), they are not considered members of the family for purposes of determining either annual and adjusted income or net family assets, nor are their assets taken into consideration for purposes of the asset limitations.



### Joint Custody

Dependents that are subject to joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family more than 50 percent of the time.

When more than one applicant or participant (regardless of program) is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or re-certification will be able to claim the dependents. If there is a dispute about which family should claim the dependent(s), the PCHA will make the determination based on court orders and social service agency orders showing which family has custody.

### Family Break Up

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

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

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

In the absence of a judicial decision or an agreement among the original family members, the PCHA will determine which participant will retain their placement on the waiting list or continue in occupancy. In making its determination, the PCHA will take into consideration the following factors:

- The interest of any minor child, including custody arrangements
- The interest of any ill, elderly, or disabled family members
- The interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and provides documentation in accordance with this Administrative Plan
- Any possible risks to family members as a result of criminal activity
- The recommendations of social service professionals

### Remaining Family Member

A remaining family member is defined as a family member listed on the most recent recertification who is 18 years of age or older (excluding Foster Children/Foster Adult or Live In Aide), who meets all other eligibility criteria and who continues to live in the unit after all other family members have left. If the head of household leaves the HCVP for any reason, any remaining adult in the household may be designated by the remaining family as the head of household. If there are no remaining adults in the household, PCHA may, at its discretion, allow another person related to the remaining tenant family by



blood or marriage or court action to assume head of household responsibilities, even though that person was not previously listed on the lease.

### 5.3 Student Head of Household

Link: <https://www.govinfo.gov/content/pkg/FR-2016-09-21/pdf/2016-22727.pdf>

PCHA may provide housing assistance to Independent Student Head of Households who are defined by meeting one of the following characteristics:

- The individual is 24 years of age or older
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes
- The individual is a graduate or professional student
- The individual is a married individual

PCHA will verify the Student Head of Household using the following:

- Previous address information to determine evidence of a separate household, or verifying the student meets the U.S. Department of Education's definition of "independent student"
- Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student"
- Written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income. (Except if the student meets the Department of Education's definition of "independent student")

The above restriction does not apply to a person with disabilities as such term is defined in section 3(b)(3)(E) of the 1937 ACT and who was receiving Section 8 assistance on November 20, 2005.

A student, under the age of 24 who meets the PCHA eligibility criteria may still be income eligible for assistance in circumstances where the student can demonstrate independence from parents, where the student can demonstrate the absence of parents, or where an examination of the student's parents'



income may not be relevant. In order to make this determination, the PCHA will follow HUD guidance provided: [Eligibility of Independent Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Additional Supplementary Guidance - HUD Exchange](#).

## 5.4 Guests/Visitors

Guests/Visitors are permitted based on the terms in the owner's lease; the owner has provided approval for the guest/visitor; and the guest/visitor is not an unauthorized person living in the unit.

A guest can remain in the assisted unit no longer than 30 consecutive days or a total of 90 cumulative calendar days during any 12-month period. A family may request an exception to this policy for valid reasons (e.g. care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return. The family must comply with the terms of the lease regarding guests and must have landlord approval prior to requesting exceptions to PCHA policy.

The family must notify the PCHA in writing of the children(s) names and timeframes the children(ren) will be in the household if the family has children who are subject to a joint custody arrangement; for whom a family has visitation privileges, that are not included as a family member because they live outside of the unit more than 50 percent of the time. These family members may remain in the unit, with prior notification to the PCHA and with landlord approval, in excess of the duration permitted as a guest.

In making the determination if the person is an unauthorized household member, PCHA will consider the following, not limited to:

- Statements from neighbors and/or PCHA staff
- Current lease
- Vehicle license plate verification
- Post Office records
- Driver's license verification
- Law enforcement reports
- School records
- Credit reports

## 5.5 Eligibility Process

Applicants selected from the waiting list are required to submit a complete Eligibility Packet and all required documents. The packet must be complete for eligibility to be determined. Incomplete



packets will not be accepted. The applicant will be given a list of missing documents and the timeframe for submission. Applications are processed based on when the completed package is received by PCHA.

The applicant must provide the information necessary to establish the family eligibility, including criminal background consent, and to determine the appropriate amount of rent the family will pay. The applicant must also complete required forms, provide required signatures, and submit required documentation. If the documents are not returned complete within the time specified, PCHA will determine that the applicant is no longer interested in housing assistance and will be removed from the waiting list. Extensions to the timeframe may be allowed based on documented and verified extenuating circumstances (illness, hospitalization, etc.) and reasonable accommodation.

The applicant will be given two opportunities to provide the PCHA with the requested documentation (the initial notification letter and one follow-up letter). Failure to comply with the PCHA request will result in withdrawal from the wait list for lack of interest to provide sufficient documentation to determine eligibility. Applicants withdrawn from the wait list for failure to respond will not be afforded the opportunity to request an informal review.

### Eligibility Notification

The PCHA will notify an applicant in writing of their eligibility. If the PCHA determines that the applicant is ineligible, the PCHA will send written notification of the determination. The notice will specify the reasons for ineligibility and will inform the applicant of its right to request an informal review.

## 5.6 Criminal Background Policy

Links: [24 CFR 5.903](#); [24 CFR 5.905\(d\)](#)

The PCHA will perform criminal records review at application for all adult household members (defined as 18 years of age or older), when porting into PCHA's jurisdiction, when adding an adult member or live-in aide to the household.

The PCHA will conduct criminal records checks that will include a National Criminal History Check and credit review using the National Credit Report database. Local/State checks will be conducted where needed. Such checks will also include sex offender registration information. To obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis. The PCHA may also review criminal records if it has reason to believe that criminal activity has occurred.



## Drug Abuse Treatment Information

Links: [24 CFR 960.205\(f\)](#)

The PCHA will obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when the PCHA has determined that the applicant will be denied admission based on a family member's drug-related criminal activity, and the applicant claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program. The PCHA will require the proposed family member sign a consent form for the drug abuse treatment facility to release information.

## 5.7 Absences from the Unit

Link: [24 CFR 982.312](#)

### Absent Family Member

The PCHA will compute all applicable income of every family member who is on the lease, including those who are temporarily absent. It is the responsibility of the head of the household to report changes in family composition and absences of family members.

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

Generally an individual who is or is expected to be absent from the assisted unit for 90 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. The family must notify the PCHA for approval to be absent for more than 90 consecutive days. Exceptions to this general policy are discussed below.

The family must request PCHA approval for the return of any adult family members that the PCHA has determined to be permanently absent. The individual is subject to the eligibility requirements stated in this Administrative Plan.

### Absence of Entire Family

Notice is required when all family members are absent from the unit for an extended period of time (greater than 90 calendar days). Families are required to give PCHA 30 days' notice before moving out



of a unit. Absence means that no family member is residing in the unit. To determine if the family is absent from the unit, the PCHA may:

- Conduct a special inspection
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with the Post Office for forwarding address
- Contact the emergency contact
- Contact with the landlord/property management

The family must supply any information or certification requested by the PCHA to verify that the family is living in the unit or relating to family absence from the unit.

If a family is absent from the unit for more than 30 consecutive days without notice, the PCHA will terminate assistance. In no event is the family permitted to be absent from the unit for more than 180 consecutive days.

### Absent Student

When minors and college students who have been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the PCHA indicating that the student has established a separate household, or the participant declares that the student has established a separate household.

### Absences Due to Placement in Foster Care

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

If the child(ren) are removed from the home permanently, the unit size will be reduced in accordance with the PCHA's occupancy guidelines.

### Caretaker for a Child

If neither a parent nor a designated guardian remains in a household receiving assistance, the PCHA will take the following actions:

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



- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 consecutive days. After the 90 consecutive 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 PCHA will extend the caretaker's status as an eligible visitor.
- 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 for any deductions from income.
- If the caretaker is considered a family member, the caretaker must submit an eligibility application, pass all eligibility criteria, and their income will be counted as part of the household. Once eligibility is passed, the lease will be transferred to the caretaker as head of household.

### Absent Head or Spouse Due to Employment

If an employed head, spouse, or co-head is absent from the unit more than 180 consecutive days due to employment, she/he will continue to be considered a family member.

### Absence Due to Incarceration

If the sole member is incarcerated for more than 90 consecutive days without notice they will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if they are incarcerated for 180 consecutive days with prior notice. The rent and other charges must remain current during any period of incarceration.

The PCHA will determine if the reason for incarceration is for drug-related or any other criminal activity which is grounds for program termination.

### Individuals Absent (Confined) for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the PCHA will request verification from a responsible medical professional if the member will be gone less than 90 consecutive days (and up to 180 days after approval of the PCHA) and will use this determination. If the medical professional responsible cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.



# CHAPTER 6 - Tenant Rent and Housing Assistance Payment Calculation

## 6.1 Determination of Annual Income

Commencing with the implementation of the Housing Through Modernization Act (HOTMA) Section 102 and 104, the PCHA will estimate the family income for the upcoming 12-month period using current income when determining initial occupancy assistance and interim reexaminations. The PCHA will determine the family income based on the prior year (defined by HUD as the previous 12-months) when conducting annual reexaminations for continued occupancy assistance.

## 6.2 Definition of Income

[Link: 24 CR 5.609\(b\); HOTMA](#)

PCHA uses HUD's definition of Annual Income. Annual income includes all amounts received from all sources by each member of the family who is 18 years of age or older, the head of household, or spouse of the head of household, in addition to unearned income received by or on behalf of each dependent who is under 18 years of age. Annual income does not include amounts specifically excluded in paragraph (b) of 24 CFR § 5.609. See **Appendix A: Income Exclusions**.

## 6.4 Assets

Annual income also includes all actual anticipated income from assets even if the asset is excluded from net family assets but the income from the asset is not otherwise excluded. Net family assets are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of investment, except as excluded by HUD. See **Appendix B: Excluded Assets**.

If it is not possible to calculate an actual return on an asset, the PCHA will impute income from assets based on the current passbook savings rate as determined by HUD when the family has net assets over \$5,000 (HUD will adjust this amount annually).

## 6.6 Deductions from Income

Link: 24 CFR 5.611; HOTMA

### Dependent Deduction

\$480 for each dependent, which amount will be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD, rounded to the next lowest multiple of \$25.

### Elderly or Disabled Family Deduction

\$400 for any elderly family or disabled family, which amount will be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD, rounded to the next lowest multiple of \$25.

### Health and Medical Expense

Health and medical exceeding 3% (effective on the PCHA HOTMA Compliance Date this threshold will be increased to 10%) of a family's annual income will be deducted from the amount of a family's income to determine the adjusted income.

Qualifying expenses are the sum of:

- Unreimbursed health and medical care expenses of any elderly family or disabled family; and
- Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with a disability) to be employed. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus.

This deduction may not exceed the combined earned income of the adult family members who are able to work due to the attendant care or auxiliary apparatus.

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

### Child Care Expense

Childcare is allowed as a deduction from income for children less than 13 years of age. The family must identify the family member(s) enabled to pursue an eligible activity: pursuing an education or being gainfully employed. The PCHA will determine what is a reasonable amount based on local childcare costs.

#### *Allowable Childcare Activities and Expenses*

For school-age children under 13 years of age, costs attributable to public or private school activities during standard school hours are not considered allowable childcare expenses. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

The costs of general housekeeping and personal services are not eligible. Childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.

If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, the PCHA will prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity and/or the number of people under care.

Childcare expenses will be considered for the time required for the eligible activity plus reasonable transportation time.

For childcare that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of childcare costs, the PCHA will use the schedule of childcare costs from the local welfare agency. Families may present, and the PCHA will consider, justification for costs that exceed typical costs in the area.

#### *Seeking Work*

If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each re-certification. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the childcare expense being allowed by the PCHA.

#### *Furthering Education*

If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed.

#### *Being Gainfully Employed*

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.



When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period. When more than one family member works during a given period, the PCHA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

### PCHA Permissive Deductions

The PCHA has no permissive deductions.

## 6.7 Anticipating Income

For the purposes of initial eligibility, new admission, annual re-examination and interim recertifications, the PCHA will use current income to anticipate the annual household income. In such cases, the PCHA will review and analyze current data to anticipate annual income.

Any time current circumstances are not used to project annual income; the decision will be documented in the file. In all such cases the family may present information and documentation to the PCHA to show why the historic pattern does not represent the family's anticipated income.

- For Example: when the PCHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the PCHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

## 6.8 Prior Year Income

Effective upon the PCHA HOTMA Compliance Date, the PCHA will use the prior year income received by the family to determine household annual income at the annual recertification (unless using the streamline income determination for sources of fixed income). HUD defines the prior year income as the income received during the preceding 12 months. PCHA will review any change of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination of family income, and non-recurring income when determining prior year income.

## 6.9 Total Tenant Rent and HAP

Links: [24 CFR 5.628](#); [5.630](#); [5.634](#)

PCHA follows HUD regulations for determining the family's portion of rent and the HAP subsidy to the owner.

**Total Tenant Payment is the higher of:**

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PCHA Administrative Plan 2025 Quadel Consulting and Training LLC  
Draft for internal Discussion February 2026



- 30% of adjusted monthly income; or
- 10% of monthly income;
- Not less than the Minimum Rent of \$50
  - PCHA has waived the minimum rent for participants in the VASH program.

### **Tenant Rent**

- Tenant rent is calculated by subtracting the utility allowance for family supplied utilities (if applicable) from the Total Tenant Payment.
- Where the owner pays for all utilities and provides the stove and refrigerator, Tenant Rent equals Total Tenant Payment.

### **Rent to Owner**

Rent to owner is the greater of:

- The Payment Standard less the Housing Assistance Payment; or
- The Gross Rent less the Housing Assistance Payment
- Minimum rent

### **Payment Standards**

Link: [24 CFR 982.505](#)

The payment standard is used in the calculation of the housing assistance payment for a family. The payment standard for the family is the lower of:

- The unit size shown on the voucher, or
- The size of the actual unit selected by the family.

The PCHA will implement new payment standards no later than 90 days after HUD publishes the Small Area Fair Market Rents for both the Tenant-based and Project-based Voucher programs. The new payment standard will apply to the family as follows:

- If an increase in the payment standard, the earlier of:
  - Annual re-examination;
  - Interim re-examination (for change of family composition, change of income or contract rent change);or
  - Move to new unit
- If a decrease in the payment standard:
  - Upon execution of new HAP Contract

### ***Establishment of Payment Standards***

Link: [24 CFR 982.503\(b\),\(c\),\(g\)](#)



The payment standard is set by PCHA between 90% and 110% of the HUD published Small Area Fair Market Rent. PCHA will review the payment standard at least annually to determine whether an adjustment should be made. As reasonable accommodation, PCHA may establish an exception payment standard of not more than 120% of the published SAFMR.

### Utility Allowances and Utility Reimbursements

Link: [24 CFR 982.517](#); [Notice PIH 2016-05](#)

PCHA maintains a Utility Allowance Schedule which is used in the housing assistance payment calculation to assist with the cost of utilities not included in the rent. The utility allowance calculation is based on the lower of:

- The voucher unit size based on PCHA subsidy standards
- The size of the actual unit leased by the family
- In the case of reasonable accommodation, PCHA will use utility allowance for the unit size actually leased by the family

When the utility allowance exceeds the family's Total Participant Payment, PCHA will make the utility reimbursement check to the head of household and utility company or to just the utility company.

PCHA will review the utility allowance schedule annually and revise it when needed. Revised utility allowances will be applied in a family's rent calculation at the next annual re-certification or move, whichever is soonest.

The PCHA has the option of making utility reimbursement payments not less than once per calendar-year quarter, for reimbursements totaling \$45 or less per quarter. In the event a family leaves the program in advance of its next quarterly reimbursement, the PCHA will reimburse the family for a prorated share of the applicable reimbursement.

PCHA may make reimbursement payments retroactively or prospectively. If PCHA chooses to make the reimbursement payments retroactively, PCHA will allow a family to request a hardship exemption from the quarterly payments if it results in a financial hardship for the family. If a family receives a hardship exemption, then the PCHA may either reimburse the family monthly or it may make prospective payments to the family, on a quarterly basis.

## 6.10 Hardship Exemptions

Link: [24 CFR 5.630](#)



## Minimum Rent Hardship

Participants in the housing choice voucher program are eligible for the hardship exception to minimum rent if they meet at least one of the following criteria:

- The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved; or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances. To make a claim under this hardship exemption, the family must provide PCHA with proof of application for assistance, or termination of assistance. The proof would be provided by the agency responsible for granting assistance or terminating assistance.
- The family would be evicted because it is unable to pay the minimum rent. For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or family -paid utilities. The family must be able to document the inability to pay the minimum rent at the time of the request.
- The family household income has decreased because of changed family circumstances, including the loss of employment. To make a claim under these criteria the loss of employment must not be the result of failure to meet employment requirements by the family. Changed circumstance as defined in this section includes, but is not limited to:
  - Reduction in work hours
  - Reduction in pay rate
  - Reduction in workforce
- If a death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income). The deceased family member must be an income producing member of the household, which contributes 30% of income used to calculate the family rent.

To make a claim under these provisions the applicant or family must submit a request, in writing, to the PCHA office. The applicant/ family must provide documentation to support the request for a hardship exemption.

- The PCHA will make the determination of hardship within 30 calendar days.



- The PCHA will require the family to repay the suspended amount within 30 calendar days of the PCHA's notice that a hardship exemption has not been granted. The PCHA will enter into a repayment agreement in accordance with the PCHA's repayment agreement policy.
- If the PCHA determines that a qualifying financial hardship is temporary, the PCHA will reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

The PCHA defines temporary hardship as a hardship expected to last 90 consecutive days or less. Long term hardship is defined as a hardship expected to last more than 90 consecutive days.

The hardship period ends when any of the following circumstances apply:

- At an interim or annual re-certification, the family calculated TTP is greater than the minimum rent.
- For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost.
- For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

### Medical, Disability and Disability Apparatus Expense Threshold Hardship

Effective upon the PCHA HOTMA Compliance date, if a family experiences a financial hardship due to the increase from the threshold of three percent (3%) to ten percent (10%) of the family annual income for unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses for the elderly or disabled family (medical and disability expense) or family with a disabled member (disability apparatus expense). This hardship is specifically for families that previously (last recertification) were using the deduction threshold of 3%.

The hardship remedy will be phased in as follows:

- The family will receive an initial hardship deduction totaling the sum of medical/attendant care and auxiliary apparatus expense that exceeds 5 percent of annual income.
- Twelve months after the hardship is provided, the family must receive a deduction totaling the sum of expenses that exceed 7.5 percent of annual income.
- Twenty-four months after the initial hardship is provided, the family must receive a deduction totaling the sum of expenses that exceed ten percent of annual income.

### General Financial Hardship

Effective upon the PCHA HOTMA Compliance Date, to receive general relief, an elderly or disabled family or a family that includes a person with disabilities must demonstrate that the family's unreimbursed health and medical care expenses or unreimbursed reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in



circumstances that would not otherwise trigger an interim reexamination. Examples of circumstances constituting a financial hardship may include the following situations:

- The family is awaiting an eligibility determination for a federal, state, or local assistance program, such as a determination for unemployment compensation or disability benefits;
- The family's income decreased because of a loss of employment, death of a family member, or due to a natural or federal/state declared disaster; or
- Other circumstances as determined by the PCHA

The hardship remedy for this provision is the deduction of expenses exceeding 5% of their annual income for the sooner of 90 days or when the circumstances end.

The family may request additional hardships as needed.

### Hardship for loss of Childcare Expense

Effective upon the PCHA HOTMA Compliance date, a family whose eligibility for the childcare expense deduction is ending may request a financial hardship to continue the childcare expense deduction. The PCHA will recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates that they are unable to pay their rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days.

The family may request additional hardships as needed.

## CHAPTER 7 - Request for Tenancy Approval and Leasing

After families are issued a voucher, they may search for a unit within the jurisdiction of PCHA, or outside of PCHA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter a Housing Assistance Payments (HAP) contract with PCHA within the time frame listed on the voucher.

### 7.1 Information to Owners

Link: [24 CFR 982.307\(a\)\(112\); \(b\)\(1\)](#)

It is the responsibility of the owner to determine the suitability of prospective families as the PCHA does not screen for suitability as participants. Owners are encouraged to screen applicants for rent payment and eviction history, credit history, prior rental references and damage to units, and other factors related to the family's suitability as a renter. Owners may not discriminate based on race, religion, sex, color, national origin, disability, sexual orientation, gender identity or familial status.

If requested by an owner, PCHA will provide any of the following information in writing regarding a family's tenancy history, based on existing documentation relating to:

- Previous owner name, address and phone number, if available
- Current owner name, address and phone number

PCHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners. PCHA will make an exception to this policy if the participant's whereabouts must be protected due to domestic abuse or witness protection, and the protection requirements are documented.

### 7.2 Allowable Housing Types

Link: [24 CFR 982.601\(b\)\(2\)](#)

The following types of rental units may be leased in the Housing Choice Voucher program, unless designated otherwise:

- Single family detached homes
- Duplexes
- Multi-plexus
- Garden apartments
- Condominiums, townhouses
- Cooperative (Co-op) Housing
- High-rises
- Manufactured homes where the tenant leases the mobile home and the pad
- Manufactured home where the tenant owns the mobile home and only leases the pad



- Other multi-family rental housing structures

The following types of housing are not permitted in the HCV program:

- Hotels
- Motels
- Nursing homes
- College or school dormitories
- Other types disallowed by HUD regulations
- Unit occupied by its owner or a person with any interest in the dwelling unit
- Unless its lease was effective prior to June 17, 1998, a family may not lease a property owned by relatives, i.e.: sister, brother, mother, father, spouse, son, daughter, grandmother, grandfather

PCHA may permit use of any of the following types of special housing if needed as reasonable accommodation for a person with disabilities:

- Independent Group Residences
- Congregate Housing
- Single Room Occupancy Facilities

### 7.3 Request for Tenancy Approval (RFTA)

Link [24 CFR 982.352\(2\)](#); [982.305](#) & [308-309](#); [982.401](#); [982.507-508](#); [982 Subpart M](#); [Form HUD-52517](#)

Before a family leases a unit, PCHA must approve the unit selected by the family. The voucher holder and the owner/landlord must submit the following:

- Complete RFTA, signed by both the family and the owner, including:
  - Unsigned dwelling lease
  - Proof of ownership of the unit to be leased (e.g. deed of trust, most recent year tax statement, warranty deed and management agreement, if applicable);
  - The Owner's EIN or social security number
  - A W-9 form completed by the owner, if a new owner
  - If the property is in a corporation, the names of all parties
  - Current street mailing address
  - Business and home telephone number
  - For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead based paint disclosure statement.
  - Local point of contact: Name; Address; Phone; Email

The RFTA and all associated documents may be submitted in-person, by mail, or email. The family may submit only one RFTA at a time. When the family submits the RFTA the PCHA will review the RFTA for completeness. If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the



dwelling lease is not submitted with the RFTA, the PCHA will notify the family and the owner. The owner will be given 5 business days to submit an approvable RFTA from the date of notice.

### Tenancy Addendum

Link: [24 CFR 982.308](#); [HUD Form 52641](#)

The owner must use the HUD Tenancy Addendum or all provisions in the HUD-required Tenancy Addendum must be added to the owner's lease. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum will prevail over any other provisions of the lease.

### Dwelling Lease

Link: [24 CFR 982.308\(d\)](#)

When the RFTA and proposed lease are submitted, the PCHA will review the terms of the RFTA for consistency with the terms of the proposed lease. If the terms of the RFTA are not consistent with the terms of the proposed lease, the PCHA will notify the family and the owner of the discrepancies. The proposed lease must comply with HUD requirements, as well as State and local law. The PCHA does not provide a model or standard dwelling lease for owners to use in the HCV program.

- Owners that use a standard lease for units rented to unassisted families must use the same lease, plus the HUD prescribed tenancy addendum for HCV assisted families.
- PCHA will review the owner's lease, any optional charges, compliance with regulations, and any house rules.
- Responsibility for utilities, appliances and optional services must correspond to those provided on the RFTA.
- The initial lease term must be for one year.
- The owner must be approved and there must be no conflicts of interest (e.g. owner may not be a relative, etc.).

### *New Lease Required*

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



## 7.4 Voucher Term

Link: [24 CFR 982.303\(a\)](#)

The initial voucher term is 90 calendar days. The family must submit a Request for Tenancy Approval that is complete and a proposed lease within the 90-day period unless the PCHA grants an extension. Families using a VASH vouchers and those with Non-Elderly Disabled vouchers will receive an initial search term of 120 days, which may be extended by a period of 60 days if requested.

### Voucher Extensions

Link: [24 CFR 982.303\(b\)](#)

Requests for extensions must be submitted to PCHA writing prior to the expiration of the voucher term. Extensions are permissible at the discretion of the PCHA up to a maximum of an additional 60 days in two 30 day increments. The maximum time limit on the voucher term (including extensions) is 150 days, except when a reasonable accommodation is granted for persons with disabilities, families under the Veterans Affairs Supportive Housing (VASH) and Non-Elderly Disabled (NED) program or to find new housing when an assisted household has to be divided as a result of the violence or abuse covered by VAWA.

The PCHA will promptly decide whether to approve or deny an extension request and will notify the family of its decision and notate the extension date in the applicant/ family file.

### Voucher Suspension

The PCHA will suspend the term of the voucher from the date a completed Request for Tenancy Approval and proposed lease is accepted by the PCHA until the date the PCHA makes a final determination with respect to that Request for Tenancy Approval. If the family chooses to cancel the Request for Tenancy Approval (RTA), the term of the voucher will be reinstated by the date the PCHA receives notice the RTA is cancelled by the family.

## 7.5 Subsidy Standards

Link: [24 CFR 982.401\(d\)](#)

PCHA does not determine who shares a bedroom or sleeping room. The unit size on the voucher remains the same if the family composition remains the same, regardless of the actual unit size rented.

### Subsidy Standards Chart

Link: [24 CFR 982.402](#)



PCHA will issue a voucher for a particular bedroom size. The bedroom size is a factor in determining the family’s level of assistance. The following guidelines will determine each family’s unit size without overcrowding or over-housing.

The living room may be used for sleeping quarters and room additions may be used as sleeping quarters per HUD inspections regulations.

The standards listed below are consistent with HUD requirements and serve as general guidelines when PCHA determines the unit size on the family’s voucher:

<b>Voucher Unit Size</b>	<b>Persons in Household Minimum Number</b>	<b>Persons in Household Maximum Number</b>
0-BR	1	2
1-BR	1	2
2-BR	2	4
3-BR	3	6
4-BR	4	8
5-BR	6	10

PCHA generally assigns one bedroom to two people and will also consider the following conditions when determining the unit size designated for the family voucher:

- Head of household/Co-Head or spouse will receive one bedroom
- Single person families will be allocated a one bedroom.
- Authorized live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide’s family.
- Foster children will be included in determining unit size only if they are in the unit for at least six (6) consecutive months.
- Space may be provided for a child who is away at school, but who lives with the family during school recess.
- A household in which the parent shares joint custody of a dependent child will include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:
  - The head of household is legally entitled to physical possession of the child more than 50% of the time; and
  - The child physically resides in the unit with the head of household more than 50% of the time; and



- If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

A total of two additional members per living/sleeping area may be approved at the request of the family. PCHA will consider granting exceptions to the occupancy standards at the family's request if PCHA verified the need for reasonable accommodation. All requests for exceptions to the occupancy standards must be submitted in writing.

### Changes in Unit Size

When the family reports a change in household composition, the PCHA will apply the new voucher standard at the next annual recertification provided that the change occurred greater than 90 days prior to the annual recertification effective date. If the change occurred with less than 90 days, the PCHA will make the change at the sooner of the following:

- Family move to a new unit
- Next annual recertification date

Changes in the voucher size that is solely the result of PCHA policy will be implemented upon the sooner of:

- Move to a new unit
- Change in family composition

### Exceptions to Subsidy Standards

A participating family may request a subsidy exception at any time; however, if the family is in the first term of the lease, or in a lease other than month-to-month or is not eligible for move for any other reason, the request may be denied based upon the family's ineligibility to move at the time of the request.

### Unit Size Selected by Family

The family may select a different size unit than that listed on the voucher; however, the unit must meet housing quality standards, have a reasonable rent, and the rent must be less than 40% of the family's adjusted income at initial leasing. When calculating the Housing Assistance Payment (HAP), PCHA will apply the payment standard and utility allowance for the lower of:

- The unit size shown on the voucher, or
- The size of the unit is selected by the family.

### Under-Housed and Over-Housed Families

If a unit does not meet HUD inspection space standards due to an increase in family size or change in family composition, PCHA will issue the family a voucher to move to an appropriately sized unit. HUD



inspection standard requirements permit a maximum of two people per living or sleeping room in the units.

PCHA will notify the family of the circumstances under which an exception will be granted, such as:

- If a family with a disability is under-housed and in an accessible unit.
- If a family requires the additional bedroom because of a health problem that has been verified by the PCHA and is considered a reasonable accommodation.

## 7.6 Security Deposit

Links: [24 CFR 982.313 \(a\) and \(b\)](#)

The owner may collect a security deposit from the family. The deposit must be reasonable based on local security deposits charged and those charged by the owner for other assisted and non-assisted units.

## 7.7 Separate Agreements

Links: [24 CFR 982.451\(b\)\(4\)](#); [24 CFR 982.510\(c\)](#)

The PCHA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease. Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family. Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

## 7.8 Initial Rent Burden

At initial lease, the family's rent cannot be more than 40% of the family's adjusted income. At the family's request, PCHA will negotiate with the owner to reduce the rent. If the rent is not lowered to at or below 40% of the adjusted income, the family may not lease the unit.



## 7.9 Disapproval of RFTA

If PCHA determines that the Request for Tenancy Approval cannot be approved for any reason the owner and the family will be notified. PCHA will instruct the family of the steps that are necessary to approve the RFTA.

If an RFTA is not approved and the voucher has not expired, PCHA will furnish another RFTA to the family to continue searching for eligible housing.

## 7.10 Owner Disapproval

Links: [24 CFR 982.54d\(8\)](#); [982.306](#); [982.161\(a\)](#)

PCHA may disapprove the owner for any of the following reasons:

- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- The owner has engaged in any drug-related criminal activity or any violent criminal activity
- The owner has a history or practice of non-compliance with the NSPIRE for units leased under the participant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program
- The owner has a history or practice of failing to terminate tenancy of participants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the family, any member of the household, a guest or another person under the control of any member of the household that: (i) Threatens the right to peaceful enjoyment of the premises by other participants; (ii) Threatens the health or safety of other participants, of employees of the PCHA, or of owner employees or other persons engaged in management of the housing; (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or (iv) Is drug-related criminal activity or violent criminal activity;
- The owner has a history or practice of renting units that fail to meet state or local housing codes; or
- The owner has not paid state or local real estate taxes, fines, or assessment.
- When HUD has informed PCHA that disapproval is required because:
  - Owner has been disbarred, suspended, or subject to a limited denial of participation
  - Federal government has instituted an administrative or judicial action against the owner for violating the Fair Housing Act or other federal equal opportunity requirements and such action is pending;
  - Court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.



Before imposing any penalty against an owner, PCHA will review all relevant factors pertaining to the case and will consider such factors as the owner's record of compliance and the number of violations.

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, PCHA may debar or suspend the owner from future participation in the. PCHA may terminate some or all contracts with the owner.

The PCHA must not approve a tenancy in which any of the following classes of people has any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of the PCHA (except a participant commissioner)
- Any employee of the PCHA, or any contractor, subcontractor or agent of the PCHA, who formulates policy or who influences decisions with respect to the programs
- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs
- Any member of the Congress of the United States

HUD may waive the conflict-of-interest requirements, except for members of Congress, for good cause. The PCHA must submit a waiver request to the appropriate HUD Field Office for determination. Any waiver request submitted by the PCHA must include the following:

- Complete statement of the facts of the case;
- Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived
- Analysis of and statement of consistency with state and local laws. The local HUD office, the PCHA, or both parties may conduct this analysis. Where appropriate, an opinion by the state's attorney general should be obtained
- Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted
- Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied
- If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives
- If the case involves a public official or member of the governing body, an explanation of their duties under state or local law, including reference to any responsibilities involving the HCV program
- If the case involves employment of a family member by the PCHA or assistance under the HCV program for an eligible PCHA employee, explanation of the responsibilities and duties of the position, including any related to the HCV program
- If the case involves an investment on the part of a member, officer, or employee of the PCHA, description of the nature of the investment, including disclosure/divestiture plans.



In considering whether to request a conflict of interest waiver from HUD, the PCHA will consider certain factors such as consistency of the waiver with state and local laws, the existence of alternative housing available to families, the individual circumstances of a particular family, the specific duties of individuals whose positions present a possible conflict of interest, the nature of any financial investment in the property and plans for disclosure/divestiture, and the possible appearance of impropriety. Where the PCHA has requested a conflict-of-interest waiver, the PCHA may not execute the HAP contract until HUD has made a decision on the waiver request.



## CHAPTER 8 - Housing Standards Inspections and Rent Reasonableness

Links: [24 CFR 982.305](#); [982.401](#); [982.405\(b\)](#); [HOTMA §101\(a\)\(1\)](#)

PCHA performs four types of inspections:

- Initial Inspection
- Biennial Inspections
- Special Inspections
- Quality Control Inspections

All units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's housing standards. HUD has implemented the National Standards for the Physical Inspection of Real Estate (NSPIRE) Housing Standard to replace the Housing Quality Standard (HQS) effective February 1, 2027 or upon HUD guidance being issued. All units must pass a HUD standard inspection prior to the approval of a lease and at least once every 24 months during the term of the contract, and at other times as needed, to determine that the unit meets inspection standards.

The PCHA may rely on an alternative inspection (an inspection conducted for another housing program) provided PCHA obtains the results of the alternative inspection and if HCV units are included in the population of that housing program's population. Alternative housing program inspections include:

- HOME Investment Partnerships
- Low-Income Housing Tax Credits housing
- Inspections performed by HUD

Units in mixed-finance properties assisted with project-based vouchers will be inspected at least triennially. PCHA will maintain reports for inspections conducted using an alternative inspection method for at least three years from the date of the latest inspection.

### 8.1 Initial Inspections

The applicant is permitted but not required to be present. All utilities must be in service at the initial inspection, or the inspection will fail. For the re-inspection, the utilities must be turned on.

The unit must have an operating oven, a stove or range, and refrigerator, which may be supplied by the owner or family. If the family is responsible for providing the stove and/or refrigerator, PCHA will allow the stove and/or refrigerator to be placed in the unit after the passed inspection. The PCHA will only execute the HAP contract following receipt of a signed certification from the family that the appliances are in the unit and working. PCHA may conduct a confirmatory inspection to check the appliances.



PCHA will conduct the initial inspection generally within 15 calendar days after receiving a completed RFTA from the family and the unit is ready for inspection.

If the unit fails the initial inspection, the owner will be notified of the deficiencies. The owner is required to contact PCHA within 30 days of the initial inspection to advise the repairs have been made. If the unit fails the re-inspection, the family will be notified and may choose to continue their search for a unit.

## 8.2 Biennial Inspections

Link: [24 CFR 982.405\(a\)](#)

An adult family member, or other adult representing the family, must be present at the inspection. If an adult cannot be present on the scheduled date, the family must contact PCHA to reschedule the inspection. Inspections may be rescheduled once.

If the family misses the first scheduled appointment without notifying PCHA before the inspection, the PCHA will automatically schedule a second inspection. If the family misses two scheduled inspections without PCHA approval, the PCHA will consider the family to have violated its obligation to make the unit available for inspection.

## 8.3 Special Inspections

The PCHA will conduct a special inspection if the family, or a government official reports a condition that is life-threatening the PCHA will inspect the housing unit within 24 hours of when the PCHA received the notification. If the reported condition is not life-threatening, PCHA will inspect the unit within 10 business days of the notification. During a special inspection, PCHA generally will inspect only those deficiencies that were reported. However, the inspector will record any additional inspection deficiencies that are observed and will require the party responsible to make the necessary repairs.

If the biennial inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled the PCHA may elect to conduct a full inspection.

## 8.4 Quality Control Inspections

Link: [24 CFR 982.405\(b\)](#)

PCHA will conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HUD standard. An adult family member, or representative, must be present for the inspection.



## 8.5 Scheduling Inspections and Family Attendance

Link: [24 CFR 982.551\(d\)](#)

The family must allow the PCHA to inspect the unit at reasonable times with reasonable notice. The family and owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday. In the case of a life-threatening emergency, the PCHA will give as much notice as possible, depending on the nature of the emergency.

### Missed and Rescheduled Inspections

An owner is not allowed to cancel an annual, special or quality control inspection. The family may only request to cancel and reschedule the annual inspection for good cause: e.g. unavoidable conflict, which seriously affects the health, safety or welfare of the family. PCHA may require the family provide documentation in support of the request. The family may only cancel and reschedule the biennial inspection and/or any subsequent re-inspections once. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 5 business days.

PCHA will process termination of family program assistance and inform the owner of contract unit termination when the following occurs:

- The family cancels, does not allow entry, or fails to have an adult present on two consecutive scheduled inspections.
- The family cancels or fails to be present at the first scheduled inspection and fails to reschedule the inspection.
- If the family does not allow entry, is not present for the inspection, or fails to have an adult present, the attempted inspection is considered a failed inspection.

## 8.6 Emergency Inspections

If a family or government official reports a condition that is life-threatening, PCHA will inspect the unit within 24 hours. The PCHA adheres to the HUD definition of “life-threatening” conditions with no modifications or additional requirements.

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies inspection standard failures, the PCHA will determine if the failure is a life-threatening condition.

When life-threatening conditions are identified, the PCHA will immediately notify both parties by telephone, fax or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the PCHA’s notice.



When failures that are not life-threatening are identified, the PCHA will send the owner and the family a written notification of the inspection results. The written notice will state that the re-inspection will occur within 30 calendar days, without a PCHA approved extension. The owner must contact PCHA when the unit is ready for re-inspection within the 30-calendar daytime requirement.

The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life-threatening conditions are not corrected within the specified time frame (or any PCHA-approved extension), the owner's HAP will be abated in accordance with PCHA policy.

The PCHA will make all HAP abatements effective the first of the month following the expiration of the PCHA specified correction period (including any extension).

- The PCHA will inspect abated units within 5 business days of the owner's notification that the work has been completed.
- Payment will resume effective on the day the unit passes inspection.
- The PCHA will terminate the HAP contract after 60 day abated payment, however the maximum abatement will be 180 days, per HUD regulation. The PCHA will work with owners to extend the 60 day period if the tenant chooses to remain and the owner shows efforts to meet compliance.
  - However, if the owner completes corrections and notifies the PCHA before the termination date of the HAP contract, the PCHA may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes NSPIRE inspection.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

If the owner is unable to gain access to the unit to make repairs due to the family's lack of cooperation, the owner enforces the lease and advises PCHA of the lease violation.

In the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any PCHA-approved extension, if applicable) the family's assistance will be terminated in accordance with PCHA policy.



## 8.7 Re-inspection Certifications

Link: [24 CFR 982.404\(a\)\(3\)](#); [Notice PIH 2013-17](#)

At PCHA's sole discretion, PCHA will either complete a re-inspection or allow the owner to submit a Certification of Work Completed Notice for all inspection deficiencies which are the responsibility of the owner excluding the initial inspection and emergency fail inspection.

If the owner is eligible to submit a Certification of Work Completed Notice, the Certification must be submitted to PCHA no later than 2 days prior to the re-inspection, and may also contain the family's signature, and documentation of the completed work must be attached, i.e. receipts, pictures, etc. Units where verification of repair by self-certification and/or photographs are used, may be subject to additional quality control inspections.

PCHA may utilize a Certification of Work Completed Notice when the repairs required are minor. The unit is not eligible for a Certification and must be re-inspected in the following circumstances:

- The unit has numerous failed items
- The fail is an emergency, 24-hour repair item
- The failed item(s) are of a serious or suspicious nature
- Initial Inspection
- Inspection following an abatement

## 8.8 Extensions

Link: [24 CFR 982.404](#)

PCHA will not grant extensions for life-threatening conditions. For conditions that are not life-threatening, the PCHA may grant an exception for correcting the failed item(s), if the PCHA determines that an extension is appropriate. Extensions will be granted in cases where the PCHA has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis, but will not exceed 60 days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 10 business days, once the weather conditions have subsided.

## 8.9 Family Responsibilities



Link: [24 CFR 982.551\(d\)](#), [24 CFR 982.404\(b\)](#)

The family is responsible for correcting inspection failures caused by:

- Family-paid utilities not in service
- Failure to provide or maintain family-supplied appliances.
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear.
- Infestation and damage to the unit caused by infestation due to housekeeping.

PCHA will terminate the family's assistance if the family:

- Fails to correct a violation within the period allowed by the PCHA (and any extensions);
- Fails to allow the owner entry into the unit to complete repairs.

## 8.10 Owner Responsibilities

Link: [CFR 985.3\(f\)](#)

The owner is responsible for all NSPIRE violations not listed as a family responsibility above. For a unit that has failed two consecutive inspections to be scheduled for a third inspection the owner must provide PCHA with written certification that all deficiencies have been corrected. Only upon receipt of this certification will additional inspections be scheduled.

### Lead Safe Homes Rule

Link: [HUD PIH Notice 2017-13](#)

For Housing Choice Voucher (HCV) units, when a child under 6 is identified with an elevated blood lead level (EBLL), the Owner is responsible for:

- Initial notification of a confirmed case to HUD: If the owner becomes aware of the above, the Owner must notify PCHA, who will collaborate with notification to the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes of the case – that is, the child's address – within 5 business days.
- Initial notification of the public health department, when necessary: When the Owner is notified of the case by any medical health care professional other than the public health department, the owner will notify PCHA, who will notify the public health department of the name and address of the child within 5 business days.
- Verification of the case, when necessary: When the Owner receives information from a person who is not a medical health care provider that a case may have occurred, the owner should immediately convey the information to PCHA so the PCHA may notify the public health department, if PCHA has indicated, or indicates at this time, that it wishes to collaborate with the owner on implementation of the rule, as described in PIH Notice 2017-13 and as follows.



- Control of lead-based paint hazards: Completing the reduction of lead-based paint hazards in the index unit and common areas servicing that unit that were identified by the environmental investigation conducted by the PHA within 30 calendar days, using a certified lead-based paint abatement firm or certified lead renovation firm. Work will include occupant protection, and clearance of the unit and common areas servicing that unit by an independent certified risk assessor or a trained dust sampling technician working under the risk assessor in accordance with section 35.1340.
- Notification to other residents: As already required by the LSHR, in a multiunit property, the owner must notify all residents of lead evaluation and hazard control activities.
- Ongoing maintenance: Maintaining covered housing without deteriorated paint if there is child under 6 in the family in accordance with sections 35.1220 and 35.1355(a).

## 8.11 Rent Reasonableness

Link: [24 CFR 982.507](#); [982.305\(a\)](#); [982.505 9\(c\)\(3\)](#)

At all times during the assisted tenancy, the rent to Owner may not exceed the reasonable rent determined by PCHA. Rent reasonable determinations may be completed by PCHA at any time and will be completed:

- At initial lease up
- When an owner requests a rent increase
- If the FMR is decreased by 10%
- When directed by HUD

PCHA will determine and document on a case-by-case basis that the approved rent:

- Is reasonable in comparison to rent for other comparable, unassisted units in the market, and
- Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex.

### Decreases in the Fair Market Rent

Link: [PIH Notice 2018-01](#):

If HUD FMRs' decrease, PCHA will allow families that are currently under a HAP contract to continue to use the payment standard in effect as long as the family continues to receive voucher assistance in that unit. However, if the family moves to a new unit the new or current payment standard will be applied to the voucher.

### Methodology

PCHA utilizes data collected by the housing management subscription service widely used in the industry for non-subsidized leased housing data on market rents in the PCHA's jurisdiction for unit rent reasonableness. The data is maintained by bedroom size and market areas. Market areas may be



defined by zip codes, census tract, neighborhood, and identifiable natural or man-made boundaries. The data is updated on an ongoing basis.

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable unassisted units in the same market area comparing properties features including age, size, structure, utilities and amenities.

The PCHA will notify the owner of the unit's reasonable rent amount. The owner may submit information about other comparable units in the market area within 5 business days of PCHA's notification. The PCHA will confirm the accuracy of the information provided and consider this additional information when making final rent reasonable determinations.

By signing the HAP contract and accepting each monthly HAP payment, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. PCHA will not consider rent increase requests until after the initial occupancy period and only if the unit is not in failed HUD inspection standard status.



## CHAPTER 9 - Housing Assistance Payment Contract

Link: [Form HUD 52641-a](#)

PCHA makes every effort to execute the HAP contract with the owner as quickly as possible on or after the unit passes inspection and all required documents have been submitted. Required documents include:

- Executed lease between the owner and the family
- Ownership and tax documents stated in the RFTA section of this Plan

### 9.1 HAP Payments

Link: [24 CFR 982.451\(a\)\(5\)](#)

Once the HAP Contract is executed, PCHA will process housing assistance payments to the owner. The HAP contract is not effective until the unit has passed inspection standards, unless otherwise approved by PCHA for non-life-threatening deficiencies. PCHA is not responsible for any part of the rent prior to the date the unit passes inspection, and the HAP contract is fully executed.

PCHA will make Housing Assistance Payments to the owner in accordance with the HAP Contract, as long as the family continues to occupy the unit and the contract is not in violation. By accepting the monthly HAP payment, the owner certifies that: the family still resides in the unit, the owner is in compliance with the contract, the unit is HUD inspection standard compliant, and that the rent to the owner is not more than the rent charged by the owner for comparable unassisted units.

The Housing Assistance Payment to the owner may never exceed the rent charged by the owner, and is the lower of the:

- Payment Standard minus the Total Participant Payment, or
- Gross rent minus the Total Participant Payment.

Late payment of HAP to the owner is subject to the late fees specified in the owner's lease. PCHA is not responsible for payment of late fees caused by:

- The family's late payment of rent
- Late HUD fund transfer
- HAP payments on hold
- Any other HUD allowed reason and circumstances beyond PCHA control.

Owner payments will be placed on hold if:

- Ownership of the unit has changed
- Unit ownership is in question
- Any other reason PCHA determines that the HAP contract may have been breached

## 9.2 Owner Rent Increases

Link: [24 CFR 982.308\(g\)\(4\)](#); [982.309\(a\)\(3\)](#)

After the initial lease period, the owner may request a rent increase according to the terms in the lease. All rent increases must be submitted in writing to PCHA by the owner, along with a copy of the rent increase notice to the family. The owner must provide the PCHA, along with the request for rent increase, a copy of the notice of rent change to the family.

If approved, the rent adjustment will be effective on the first day of the month or after the contract anniversary date or 60 days following receipt of the owner request on the first of that month, whichever is later. If the rent is not reasonable and the owner is unwilling to negotiate an approvable rent amount, the family will be issued a voucher to move, and the HAP contract will be terminated.

PCHA may, due to HUD funding constraints, limit and/or suspend rent increases.

## 9.3 Unit Ownership Changes

PCHA must receive a written request by the initial owner in order to change the HAP Contract payee and/or the address to which payment is to be sent. PCHA will process a change of ownership provided the following documents are received from the new owner:

- Proof of ownership, i.e. copy of escrow statement, deed of trust, or other document showing the transfer of title.
- Completed W9 with Social Security or Employee Identification Number
- In cases where the owner has elected to utilize the services of a property management company or has otherwise designated an agent to act on their behalf, PCHA may request a copy of the management or agent agreement, a statement from the owner identifying the individual/s authorized to execute HAP Contracts on their behalf in addition to proof of ownership documentation.
- Owners are required to provide a Tax Identification Number (TIN) or a Social Security Number that matches their banking information. PCHA will not enter a contract where the owner is unable to establish a TIN/SSN that matches names or entities identified on ownership.
- Owner Certification
- The effective date of the HAP contract assignment
- A written agreement to comply with the terms of the HAP contract.



- A certification that the new owner is not a prohibited relative.
- When a change in ownership occurs, the new owner legally assumes the current lease and the current HAP contract. At PCHA's or the new owner's request a new HAP contract may be executed, however the lease terms remain the same and new HAP term matches the existing lease.

## 9.4 HAP Contract Terminations

Link: [24 CFR 982.311\(b\)](#)

All terminations of the HAP contract initiated by PCHA will be sent in writing to the owner and family.

Automatic termination of HAP payments results when:

- A family vacates the unit either in violation of the lease or by mutual agreement with the owner before termination of the lease/contact
- The lease is terminated by the owner or the family
- The owner will not renew the HAP contract or extend the current lease
- The sole family member dies
- There has been no HAP for 180 calendar days
- PCHA terminates assistance for the family
- NSPIRE space requirements are not met or the unit failed NSPIRE and has not been repaired in the required timeframe
- Owner violations of the HAP contract
- Family obligation violations

PCHA may terminate the HAP contract when HUD funding is insufficient.

No future subsidy payments on behalf of the family will be made by PCHA to the owner after the month in which the Contract is terminated. The owner must reimburse PCHA for any subsidies paid by PCHA for any period after the contract termination date.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner.

The owner may terminate the lease at the end of the lease term or at any time for lease violations. The owner must use the termination proceedings as prescribed in the lease and contract; the owner can:

- Institute court action, using the grounds for eviction cited in the lease.
- Try to obtain a mutual rescission of the lease with the family. The mutual rescission must be signed by both parties and indicate the reason for the rescission.
- Issue proper notice not to renew the Lease Agreement.



If the owner has begun eviction and the family continues to reside in the unit, PCHA will continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the family. HAP payment will stop the first of the month following the legal eviction or the date the family moves from the unit whichever is earlier.

If an eviction is due to other than lease violations and if PCHA has no other grounds for the family's termination of assistance, and if the family is eligible to move; PCHA may issue a new voucher to the family.

The owner may not terminate tenancy for the PCHA's failure to pay the housing assistance payment.



## CHAPTER 10 - Verifications

Links: [24 CFR 982.516](#), [24 CFR 982.551](#), [24 CFR 5.230](#), [24 CFR 5.609\(d\)](#); [Notice PIH 2010-19](#); [HCV GB p5-17](#),

The family must supply any information that PCHA or HUD determines necessary to the administration of the program and must consent to the PCHA verification of that information. All adult applicants and participant family members turning 18 years old or being added to the household must sign the HUD-9886, Authorization for Release of Information. Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Failure to sign consent forms will result in denial of admission or termination from the program. If the family later revokes consent to collect information, the family will be terminated effectively on the date of expiration of the currently approved consent form. The family will be informed of the denial or termination in accordance with LH policies and will be provided with information on requesting an informal hearing.

### 10.1 Methods of Verification

Link: [Notice PIH 2018-18](#),

PCHA uses HUD's hierarchy of verifications, in the following order:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third Party Verification provided by applicant or family
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

#### EIV Verification Process

Link: [24 CFR 5.233](#); [PIH Notice 2018-18](#)

The PCHA uses HUD's Enterprise Income Verification (EIV) system to verify participant employment, earned income, unemployment benefits, and social security (SS), and supplement security income (SS) benefits information at annual and interim re-certifications. The PCHA will also use HUD's EIV system to monitor potential duplicate subsidies, deceased individuals, household member identity, under and non-reported income, and immigration status.

The PCHA is not required to review EIV to verify tenant employment and income information during an interim reexamination of family composition and income but may choose to do so if the PCHA has reason to believe the report would be useful to identify income or a discrepancy in the amounts reported by the family.



The PCHA will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process: HUD's EIV system.

### *Requirements for Non-EIV Verifications*

The PCHA's requirements for non-EIV verifications provided by the applicant or participant are:

- Any third-party document supplied by the applicant or participant used for verification must be original or authentic documents and must be dated within 120 days of the request date. The documents must not be damaged, altered or in any way illegible.
  - The PCHA may accept documents dated up to 12 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source.
- Printouts from web pages are considered acceptable documents.

### *Third Party Written Verifications*

Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by the PCHA and will be sent directly to the third party.

The PHA will accept self-certification from a family as verification of assets disposed of for less than fair market value.

The PCHA also determines that third-party verification is not available when there is a service charge for verifying an asset or expense **and** the family has original documents that provide the necessary information.

### *Third Party Oral Verifications*

PCHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

### *Family Self-Certifications*

[Link: Notice HUD PIH Notice 2018-18](#)

The documents in the application packet and annual re-certification packet serve as the family's self-certifications. When the PCHA is unable to obtain third-party verification, the PCHA will document in the family file the reason that third-party verification was not available. When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the PCHA. PCHA may require the family to certify that a family member does not receive a particular type of income or



benefit. The self-certification must be made in a format acceptable to the PCHA and must be signed by the Head of Household or the family member whose information or status is being verified, if applicable.

## 10.2 Eligibility Verifications

The following information will be verified to determine qualification for admission and continued occupancy to PCHA's housing:

- Household composition, demographics and type (Elderly/Disabled/Non-elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Income
- Social Security Numbers of all household members
  - Pending disclosure and documentation of social security numbers, the PCHA will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs the next time a voucher becomes available, the PCHA will offer a voucher to the next eligible applicant family on the waiting list.
  - Citizens and lawfully present noncitizens who state that they have not been assigned an SSN by the SSA will make such declaration in writing and under penalties of perjury to PCHA.
  - If the family provides an unacceptable document, the PCHA will explain to the applicant or family the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the PCHA within 60 days.
  - If the family certifies that the required evidence is temporarily unavailable and it needs more time, the PCHA may provide an extension of up to 30 days to submit evidence of eligible status, if the family has submitted the required declaration of eligible immigration status. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.
  - Alternatively, the PCHA may accept the family member self-certification when accompanied by an additional verification document such as bank account information, birth certificate.
  
- Applicant Criminal History Information
- Citizenship or eligible immigration status

## 10.3 Legal Identity Verification

The PCHA will require families to furnish verification of legal identity for each household member. A photo ID is required for each adult family member. Legal identity will be verified at application and on



an as needed basis. Only the following identify documents are acceptable, in addition to the photo ID for each adult:

- Adults: Birth Certificate or Naturalization Papers; State REAL Identification; US Passport; Voter Identification; Military Form DD214
- Children: Birth Certificate, Adoption Papers, Court Award documents, Social Service Agency Award documents, school records

### Marriage Verification

A marriage certificate is required to verify that a couple is married. In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (filing joint income tax returns, joint bank statements, etc.).

### Separation or Divorce Verification

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

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

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

### Adult Member Absence Verification

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., lease at another address; removal from the assisted lease or utility bill).

### Foster Children and Foster Adults Verification

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

### Student Status Verification

The PCHA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family claims full-time student status for an adult other than the head, spouse, or co-head; or
- The family claims a childcare deduction to enable a family member to further his or her education; or
- The family includes a student enrolled in an institution of higher education.

If the family fails to provide supporting documentation of student status following the PCHA's request, the PCHA not provide this status to the individual but will use the status as Other Adult Member without



deductions and exclusion of income associated with student status. The PCHA will complete an interim recertification upon receipt of verification to adjust the total household adjusted income..

### Student Head of Households

Link: [Federal Register / Vol. 81, No. 183 / Wednesday, September 21, 2016 / Notices](#)

PCHA may provide housing assistance to Independent Student Head of Households who are defined by meeting one of the following characteristics:

- The individual is 24 years of age or older
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence
- The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes
- The individual is a graduate or professional student
- The individual is a married individual

PCHA will verify the Student Head of Household using the following:

- Previous address information to determine evidence of a separate household, or verifying the student meets the U.S. Department of Education's definition of "independent student"
- Reviewing a student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of "independent student"
- Written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by people who do not live in the unit is part of annual income. (Except if the student meets the Department of Education's definition of "independent student"

### Disabled Status Verification

For family members who receive disability payments from the SSA, the PCHA will use HUD's EIV system to verify the disability. If documentation from HUD's EIV System is not available, the PCHA will request a current (dated within the last 120 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the PCHA will ask the family to request a benefit verification letter by either calling the SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov).



For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability.

### US Citizens and Nationals

Family members who claim US citizenship or national status will be required to provide additional documentation such as a birth certificate.

## 10.4 Verification of Income

Link: [Link: 24 CFR 960.259, 982.516](#)

### Wage Verification

#### Prior Year

Effective upon the PCHA HOTMA Compliance Date, the EIV Income Report may be used to verify and calculate income if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information from EIV.

The PCHA requires a minimum of two current and consecutive pay stubs for determining annual income from wages when the PCHA is not able to use EIV + Self-Certification or the income type is not reported in EIV.

#### Current Anticipated

The PCHA requires two current and consecutive pay stubs for determining annual income from wages. If paystubs are not available, the PCHA will accept an authentic document on employer letter head that states wages for previous 60 days, or an employer payroll print out.

### Tip Income Verification

Unless tip income is included in a family member's W-2 by the employer or in the paycheck receipt, persons who work in industries where tips are standard will be required to sign a certification of tips received for the prior year and estimated tips anticipated to be received in the coming year.

### Bonus Income Verification

For people who regularly receive bonuses or commissions, the PCHA will verify and then average amounts received for one year preceding admission or re-certification. The PCHA will consider justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the PCHA will count only the amount estimated by the employer.



## Business and Self Employment Income Verification

Business owners and self-employed persons may be required to provide:

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify to its accuracy.
- All schedules are completed for filing federal and local taxes in the preceding year. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
- The PCHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify its accuracy at all future reexaminations.
- At any re-certification the PCHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.
- If a family member has been self-employed less than three months, the PCHA will accept the family member's certified estimate of income and schedule an interim reexamination in three months.
- If the family member has been self-employed for three to twelve months the PCHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

## Social Security and SSI Benefits Verification

To verify the SS/SSI benefits of participants, the PCHA will obtain information about social security/SSI benefits through HUD's EIV system. If the family disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, the PCHA will request a current SSA benefit verification letter from each family member that receives social security benefits.

If a family member is unable to provide the document, the PCHA will help the family request a benefit verification letter from SSA's Web site at [www.socialsecurity.gov](http://www.socialsecurity.gov) or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to the PCHA.

## Alimony and Child Support Verification

PCHA verifies alimony and child support differently depending on whether the family declares that it receives regular payments. If the family declares that it receives regular payments, verification will be sought in the following order.

- If payments are made through a state or local entity, PCHA will request copy of the receipts and/or payment stubs for the previous year and request that the entity disclose any known information about the likelihood of future payments.
- Copy of the latest check and/or payment stubs
- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

If the family declares that it receives irregular or no payments, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

- A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts
- If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

### Zero Income Verification

The PCHA will check EIV to determine zero household income. PCHA will require the head of household to execute expense statement and verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

### Student Financial Assistance

Link: [24 CFR 5.609\(b\)\(9\)](#)

For a student subject to having a portion of their student financial assistance included in annual income, the PCHA will request written third party verification of both the source and the amount. Documents requested include:

- Family provided documents from the educational institution attended by the student
- Documents generated by any other person or entity providing such assistance, as reported by the student.
- Written verification of the student's tuition and school fee amount.

### *Verification of Parental Income of Students Subject to Eligibility Restrictions*

If the PCHA is required to determine the income eligibility of a student's parents, the PCHA will request an income declaration and certification of income from the appropriate parent(s). The PCHA will send the request directly to the parents, who will be required to certify their income under penalty of perjury. The parents will be required to submit the information directly to the PCHA. The required information



must be postmarked within 10 business days of the date of the PCHA PCHA's request or within any extended timeframe approved by the PCHA.

The PCHA reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include but is not limited to Internal Revenue Service tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters and other official and authentic documents from a federal, state, or local agency.

### *Verification of Sporadic Income and Income From Other Sources*

The PCHA may review bank statements, payroll documents or other third-party documentation of family income and, in so doing, identify potential existence of other sources of income (such as sporadic or recurring payments, additional accounts, etc.). In such an event, the PCHA will request additional documentation and provide the family with an opportunity to clarify and/or update income information reported to the PCHA. Such documentation must be returned to the PCHA within the requested period in the notice to the family. Failure to report income is a violation of tenant obligations and may lead to termination/denial of assistance.

## **10.5 Verification of Assets**

Link: [24 CFR 960.259](#), [982.516](#), [Notice PIH 2016-05](#)

For a family with net assets equal to or less than \$5,000 (HUD will adjust this amount annually), the PCHA may accept the family's declaration that it has net assets equal to or less than \$5,000 without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.

The PCHA will obtain third-party verification of assets at eligibility determination and every three years thereafter.

### *Assets Disposed of for Less Than Fair Market Value Verification*

PCHA accepts the family's self-certification of whether any assets have been disposed of for less than fair market value in the past two years. The PCHA needs to verify only those certifications that warrant documentation. The PCHA will verify the value of assets disposed of only if:

- The PCHA does not already have a reasonable estimation of its value from previously collected information, or
- The amount reported by the family in the certification appears obviously in error.



## Ownership of Real Property

PCHA will accept self-certification that the family does not have any present ownership interest in any real property.

Statutory self-certification only asks about ownership and does not address the other elements of the restriction (such as a legal right to reside in, and the effective legal authority to sell the property).

## 10.6 Use of other Federal Means Program Income Determinations

For the purposes of determining income eligibility and annual re-examinations, the PCHA may determine a family's annual income, including income from assets, prior to the application of any deductions based on income determinations made within the previous 12-month period, using income determinations from the following types of means-tested federal public assistance programs:

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- Medicaid (42 U.S.C. 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786).
- Supplemental Security Income (42 U.S.C. 1381 et seq.).
- Other programs administered by the Secretary.
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding.
- Other federal benefit determinations made by other means-tested federal programs that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

If the family presents the PCHA with multiple income determinations either from one or more of the above listed programs, the PCHA will use the most recent income determination to establish the annual income prior to deduction/allowances.



## 10.7 Verification of Expenses

### Health and Medical Expenses

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

Health and medical expenses will be verified by written third-party documents provided by the family, such as pharmacy printouts or receipts. The PCHA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The PCHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

PCHA will also accept written third-party verification forms. The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source.

When anticipated costs are related to on-going payment of medical bills incurred in past years, the PCHA will verify:

- The anticipated repayment schedule
- The amounts paid in the past, and
- Whether the amounts to be repaid have been deducted from the family's annual income in past years

If the family fails to provide supporting documentation of medical expenses following the PCHA's request, the PCHA will not exclude the amounts declared by the family towards the deduction from annual income. If the family subsequently provides the documentation, the PCHA will conduct an interim to adjust family income accordingly.

### Disability Assistance Expenses

Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.



The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

To verify the family member enabled to work, the PCHA will verify that the expenses claimed enable a family member, or members, (including the person with disabilities) to work. PCHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member(s) to work. To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

### Childcare Expense Verification

The family is required to certify that the childcare expenses are not paid by or reimbursed to the family from any source. The PCHA will verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

If a family member is seeking work, PCHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment) or the PCHA will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to the PCHA any reports provided to that agency.

In the event third-party verification is not available, the PCHA will provide the family with a form on which the family member must record job search efforts. The PCHA will review this information at each subsequent re-certification for which this deduction is claimed.

If the family member is furthering education, the PCHA will request third-party documentation to verify that the person permitted to further his or her education by the childcare is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

The PCHA will seek third-party verification of the work schedule of the person who is permitted to work by childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

The type of care to be provided is determined by the family but must fall within certain guidelines.

- The PCHA will verify that the type of childcare selected by the family is allowable.
- The PCHA will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).



- The PCHA will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.
- The actual costs the family incurs will be compared with the PCHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the PCHA will request additional documentation to support a determination that the higher cost is appropriate.

If the family fails to provide supporting documentation of childcare expense following the PCHA's request, the PCHA will not exclude the amounts declared by the family towards the deduction from annual income. If the family subsequently provides the documentation, the PCHA will conduct an interim to adjust family income accordingly.



## CHAPTER 11 - Ongoing Program Operations

### 11.1 Annual Re-Certifications

Links: [24 CFR 982.516](#); [24 CFR 5.612](#)

The PCHA will conduct a re-certification of income and family composition annually. The PCHA will begin the annual re- certification process approximately 120 days in advance of the scheduled effective date. If the family size has changed, PCHA will increase or decrease the voucher size as appropriate at the annual re- certification. The annual re-certification will be effective on the first of the month.

PCHA conducts re-certifications by mail or electronically. As needed for a reasonable accommodation, a re-certification may also be completed in person. PCHA will provide the participant with all required certification materials to be completed within the specified time period. The participant and all adult family members must complete and submit all the required documents within the specified period of time.

The current utility allowance schedule will be used to complete the annual re- certification.

If any documents are missing from the file (social security cards, birth certificates, citizen declaration forms, etc.) the participant is required to provide the documents upon request within the required timeframe (at annual re-certification, interim certification, or at any time requested by PCHA).

The annual re-certification will not re-verify eligibility income limits except where the Head of Household is a full-time student and as income relates to the asset value greater than \$100,000 (adjusted annually by HUD and effective upon the PCHA HOTMA Compliance Date) or ownership interest in real estate suitable for residence (effective upon the PCHA HOTMA Compliance Date).

PCHA may follow up by telephone, email and/or require in-person appointments with participants, as needed to request additional information, seek clarification, review reexamination documents, and/or conduct quality control.

Participants will be provided up to two opportunities to complete the re-examination requirements within the prescribed timeframes. Persons with disabilities who require assistance completing required documents will be granted a reasonable accommodation to complete documents within prescribed timeframes. If all documents and information are not submitted to PCHA within the timeframe, and any allowed extensions, the voucher will be terminated.

#### Streamlined Income Determinations

Link: [Notice PIH 2016-05](#)

For any family member with a fixed source of income, the PCHA may determine that family member's income using a streamlined income determination by applying, for each fixed-income



source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

A family member with a fixed source of income is a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources: Social Security, Supplemental Security Income, Supplemental Disability Insurance; federal, state, local, or private pension plans; annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

PCHA will use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount and will verify the COLA or current interest rate from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then the PCHA will obtain third-party verification of income amounts in order to calculate the change in income for the source.

For any family member whose income is determined by a streamlined income determination the PCHA will obtain third-party verification of all income amounts every 3 years.

## 11.2 Interim Reexaminations

Link: [24 CFR 960.257](#), [24 CFR 966.4](#)

### Changes to Household Composition

The family must inform the PCHA of an addition of a family member as a result of birth, adoption, or court-awarded custody of a child or the removal of a family member from the household within 10 business days.

Upon approval of the PCHA, a participant family may add additional adult family member(s) to the household under the following circumstances:

- A new family member: spouse, child, other child with guardianship via court documents.
- As reasonable accommodation to provide care to a family member not currently on the voucher
  - Such members must be eligible for participation in the Housing Choice Voucher Program
  - Such members have supplied documentation of Social Security Number prior to move-in. If the member is a child six or under, the household has 90 days after move-in to submit the documentation.
  - Such member's income must be considered in calculation towards rent

A criminal background check is required for all requests to add adult household members or live-in aides to the household. PCHA's prior approval of additions to the household is required.

The PCHA will not approve the addition of a new family member or household member unless the individual meets the PCHA's eligibility criteria and documentation requirements. The PCHA will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards. If PCHA approves the addition of the family member and the owner does not, the family will need to move from the current unit following all PCHA and HUD move requirements.

The PCHA will conduct interim re-certifications to account for any changes in household composition that occur between annual re-certifications. If a member has been removed from the household, the PCHA will perform an interim to remove the income of that member. For changes in household composition that impact the subsidy standards (voucher size), the PCHA will apply the updated voucher size effective upon next annual recertification. However, if the family reports the change in household composition at the annual recertification, the change in subsidy standard will be applied upon the recertification effective date.

### Interim Changes Affecting Income or Expenses

Families must report changes in income within 10 business days of the occurrence. A family must report an increase in income/assets that occurs during the recertification period (within 120 days of the anniversary date, if the increase occurs after the family has completed the recertification packet and was not included). Increases that occur during the recertification period will be effective on the anniversary date.

### PCHA-Initiated Interim Re-certifications

The PCHA will conduct interim re-certifications in each of the following instances:

- When the family has had a loss of income anticipated to last greater than 30 days
- When a family has had an increase in income after having reported zero income previously reported
- For families receiving the Earned Income Disallowance (EID), the PCHA will conduct an interim reexamination at the start and conclusion of the 24-month eligibility period.
- If at the time of the annual reexamination, tenant declarations were used due to the lack of third-party verification, and third-party verification becomes available, the PCHA will conduct an interim reexamination.
- The PCHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Effective upon the PCHA HOTMA compliance date, the PCHA will conduct an interim:

- When the family has an increase in unearned income that is 10% or more than the annual adjusted income (either through singular event or cumulative reporting).
  - The PCHA may conduct an interim when the family has an increase in earned income greater than 10% (either through singular event or cumulative reporting) of the current income used to calculate family rent if that increase follows an interim for reduced income within the same reporting year.

- The PCHA will conduct an interim for the loss of income when the loss of income is greater than 10% (either through singular event or cumulative reporting) of the total household income or upon the removal of a family member with income regardless of the percentage of loss to total family income.
- The PCHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

The PCHA will round the percentage of change (increase or decrease) using atandard rounding methods.

### Interim Re-certification Effective Dates

If the family rent is to increase:

- The increase generally will be effective on the first of the month following 30 days' notice to the family.
- If a family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

If the family rent is to decrease:

- If the tenant has complied with the interim reporting requirement and the tenant's rent is anticipated to decrease, rent decreases will be effective on the first day of the month after the reported loss of income.
  - Effective upon the PCHA HOTMA Compliance Date, the effective date of an interim for reported loss of income (reported in a timely manner) will be the first of the month following the date of the actual change leading to the interim reexamination of family income. This means the decrease will be applied retroactively.
  - PCHA may apply rent decreases retroactively for circumstances in which families fail to report changes in a timely manner in the event of verified circumstances beyond the control of the family (example: hospitalization).

## 11.3 Family Moves

Link: [24 CFR 982.1\(b\)\(2\)](#)

A family may request to move to a new unit if:

- The initial term of the lease has expired, and proper notice has been given to the landlord and to the PCHA.
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family. PCHA will accept a written statement of mutual termination with all the required



documentation included (effective date, signatures of both owner and family and signature dates).

- For non-lease violations only: the owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family. The family must give the PCHA a copy of any owner eviction notice. An eviction for a lease violation may result in termination from the program.
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the PCHA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit.
- The PCHA has terminated the assisted lease for the family's unit for the owner's breach of the HAP contract.
- The PCHA determines that the family's current unit does not meet the HUD space standards because of an increase in family size or a change in family composition.
- The family is in good standing with PCHA.
- The family does not owe PCHA money.
  - Exceptions provided for VAWA, reasonable accommodation and required moves

Families are not permitted to move in the first term of the lease or while in any subsequent lease term unless the owner and family mutually agree to do so. Families will not be permitted to move more than once in a 12-month period unless required to do so by PCHA to meet HQS or other program objectives, to protect the health or safety, or in the case of an emergency.

Situations such as witness protection program, victim of violent crime, medical necessity, employment necessity, and landlord caused failed HQS, may require a move in the first term of the lease, or in the term of a subsequent lease. The circumstances must be documented in writing and approved by PCHA. The owner and family must agree in writing to a mutual rescission of the lease in order for PCHA to approve a move during the lease term. If the owner refuses to a mutual rescission, the family will not be allowed to move unless PCHA otherwise determines VAWA or other health and safety provisions prevail.

## Denial of Moves

Link: [Notice PIH 2016-09](#)

The PCHA may prohibit more than one move by the family during any one-year period.

PCHA will deny moves in the following circumstances:

- Applicants who are seeking to move under Portability who are not income eligible in the receiving PHA's jurisdiction.



- Participant families that have moved out of their assisted unit in violation of the lease. PCHA will grant an exception to this in the situation where the only reason for the violation of the lease was due to circumstances surrounding being a victim or domestic abuse, dating violence or stalking.
- The PCHA will deny a family permission to move on grounds that the PCHA does not have sufficient funding for continued assistance if: (a) the move is to a higher cost unit (within PCHA jurisdiction) or to a higher cost area (for portability moves); (b) the receiving PHA is not absorbing the voucher (applicable only to portability moves); and (c) PCHA would be unable to avoid termination of current participants during the calendar year in order to remain within its budgetary allocation for housing assistance payments (including any available HAP reserves). This policy applies to moves within the PCHA’s jurisdiction as well as to moves outside it under portability.

In the event that PCHA has denied a move due to insufficient funding, PCHA will provide written notification to the local HUD Field office and to the family denying the request to move for this reason. PCHA will advise the family that they may advise PCHA if the request to move is due to a request for a reasonable accommodation or for protection due to domestic violence, dating violence or stalking (VAWA).

PCHA will maintain a list of families who have been denied to move due to insufficient funding including the date of the original request and whether the request was due to a reasonable accommodation or VAWA. When funds become available, PCHA provide families notice and will begin to process requests to move in the order received – from oldest to newest – with preference to families whose request to move was due to a reasonable accommodation or VAWA.

Families who do not respond to the notification that funds are again available and may again request to move will be removed from the list held by PCHA.

### Move Process

If the PCHA has determined the family has met the conditions above, the family will be issued a voucher to move and provided any other necessary information. If the family and owner agree to extend the move date, the extension must be submitted to PCHA in writing, signed by both the family and owner, must include the new effective date of the move, and must be submitted before the original effective date of the move notice.

All actions regarding moves (Request for Tenancy Approval, owner approval, initial inspection, initial rent burden, rent reasonableness, voucher term, voucher extensions, etc.) are the same as stated elsewhere in this Plan.

### Duplicate Housing Assistance Payments with a Move

Link: [24 CFR 982.311\(d\)](#)



If a participant family moves from an assisted unit with continued participant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy. HAP payments to a former owner beyond the month of the move into a new unit must be recaptured by PCHA and may not be kept by the former owner.

## 11.4 Portability

Link: [24 CFR 982.353\(b\)](#)

### Outgoing Portability

Link: [24 CFR 982.353\(c\), \(d\)](#); [982.355\(c\)\(1\)](#)

If the applicant did not live in PCHA's jurisdiction at the time that the family's application for assistance was submitted, the family must lease a unit within the PCHA's jurisdiction for at least 12 months before requesting portability. The PCHA will consider exceptions to this policy for purposes of reasonable accommodation or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Families must notify the PCHA when they want to move out of the PCHA's jurisdiction using the portability feature. Families that are new admissions to the HCV program must meet the income eligibility requirements both for PCHA and also in the jurisdiction where the family intends to move to (the Receiving PHA). Participant families must also meet the income eligibility requirements in the area to which the family plans to move only (they will not be required to re-verify income eligibility with PCHA). Families are informed of these requirements in the briefing session.

The PCHA will approve voucher extensions as stated in the Voucher Extension section of this Plan.

### Incoming Portables

PCHA may absorb or administer some or all incoming portable vouchers based on funding available.

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

The PCHA will not change its determination to bill or to absorb a voucher after that without giving the initial PHA proper notice.



For any family moving into its jurisdiction under portability, the PCHA will not conduct a new re-certification of family income and composition but will rely on the information provided by the initial PHA.



# CHAPTER 12 - Denial of Assistance to Applicants and Termination of Assistance to Participants

Links: [24 CFR 982.552\(a\)\(2\)](#); [24 CFR 982.553\(a\)](#)

## 12.1 Evidence and Considerations

The PCHA will consider all relevant circumstances in evaluating a decision to terminate or deny assistance. Evidence of criminal activity includes, but is not limited to, engaging in and/or any record of convictions, arrests, or evictions for suspected criminal activity of household members within the past three (3) years.

The PCHA will use the preponderance of the evidence as the standard for making all admission decisions. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole show that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants (not used exclusively), evidence gathered by PCHA inspectors and/or investigators, and evidence gathered from the PCHA incident reports.

The PCHA will consider the following factors prior to making its denial or termination decision:

- Evidence of the applicant or participant’s participation in or willingness to participate in social service or other appropriate counseling service programs.
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.
  - The PCHA will require the applicant/participant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.
- Whether the cause of the unfavorable information may be that the applicant/participant is the victim of domestic violence, dating violence, sexual assault or stalking.
  - The PCHA acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under the PCHA’s policies. Therefore, if the PCHA decides to deny admission to an applicant family, the PCHA will include in its notice of



denial/termination a statement of the protection against denial provided by VAWA A description of PCHA confidentiality requirements.

- A request that an applicant/participant wishing to claim this protection submit to the PCHA documentation meeting the specifications below with her or his request for an informal review for an applicant and an informal hearing for a participant.
- The existence of mitigating factors, such as loss of employment or other financial difficulties.
- If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission or termination of assistance, the PCHA will determine whether the behavior is related to the disability. If so, upon the family's request, the PCHA will determine whether alternative measures are appropriate as reasonable accommodation. The PCHA will only consider accommodation that can reasonably be expected to address the behavior that is the basis of the proposed denial or termination.

As a condition of receiving or keeping assistance, a family may agree to remove the culpable family member from the application or unit. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the HCV unit. An incarcerated culpable family member may not be an applicant, participant or guest for five years from incarceration release date. The family must present evidence of the former family member's current address upon PCHA request.

## 12.2 Denial of Assistance

Denial of assistance for an applicant may include any or all of the following: denying listing on the PCHA waiting list, denying or withdrawing a voucher, refusing to enter into a HAP contract or approve a lease, and refusing to process or provide assistance under portability procedures. PCHA is required to deny admission if the applicant has:

- If any member of the family fails to sign and submit HUD or PCHA required consent forms for obtaining information.
- If no member of the family is a U.S. citizen or eligible immigrant.
- For three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. A family will be considered evicted if the family moves after a legal eviction order has been issued, whether physical enforcement of the order was necessary. However, the PCHA may admit the household if the PCHA determines:
  - That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PCHA; or
  - That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.



- PCHA has reasonable cause to believe that a household member’s current use or pattern of use of illegal drugs or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to a peaceful enjoyment of the premises by other participants.
  - In determining reasonable cause, PCHA will consider all credible evidence, including but not limited to, any record of convictions, arrests or evictions of household members related to the use of illegal drugs or the abuse of alcohol. PCHA may, at its discretion, also consider evidence from treatment providers or community-based organizations providing services to household members.
  - Any household member has ever been convicted of drug related criminal activity for the production or manufacture of methamphetamine in any location, and/or on the premises of federally assisted housing.
- Any household member is currently registered as a sex offender under any State registration requirement, regardless whether it is for life time or not.
- Has any household member who illegally possesses weapons.
- Any other HUD required reason.

The PCHA will deny admission to an applicant family if the PCHA determines that any household member is currently engaged in or has engaged in any of the activities within the past three (3) years.

- Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.
- Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause serious bodily injury or property damage. Criminal activity that may threaten the health, safety or welfare of other participants.
- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other participants.
- Has been evicted from housing or termination from assisted housing programs (considering relevant circumstances).
- Misrepresented or does not provide complete information related to eligibility, including income, expenses, family composition or rent.
- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.
- Has engaged in or threatened violent or abusive behavior toward PCHA personnel
  - Abusive or violent behavior towards PCHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or



oral, that is customarily used to intimidate may be considered abusive or violent behavior.

- Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- Any other HUD required reason.

### 12.3 Notice of Denial

PCHA will notify applicant families in writing of any decision to deny assistance. If based on a criminal record or sex offender registration information an applicant family appears to be ineligible, the PCHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact the PCHA to dispute the information within that 15 business day period, the PCHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

### 12.4 Denial of Assistance for Noncitizens

Link: [24 CFR 5.514\(d\)](#)

Denial of assistance based on immigration status is subject to special hearing and notice rules. The PCHA will notify applicant families of denial of assistance in accordance with HUD regulations. When PCHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination. The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the PCHA. The informal hearing with the PCHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice will inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

When the PCHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PCHA will notify the family of the results of the USCIS verification within 10 business days of receiving the results. The family will have 30 calendar days from the date of the notification to request an appeal of the USCIS results, made by the family directly in writing to the USCIS. The family must provide PCHA with a copy of the written request for appeal and proof of mailing within 10 business days of mailing the request to the USCIS.

The PCHA will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.



## 12.5 Grounds for Termination

Links: [24 CFR 982.455](#); [24 CFR 982.551](#), [552](#), [553](#); [24 CFR 5.514\(c\)](#); [24 CFR 5.218\(c\)](#); [24 CFR 982.311\(d\)](#); [Notice PIH 2010-3](#); [Notice PIH 2010-50](#); [Notice PIH 2018-24](#)

Termination of assistance for a Program participant may include any or all of the following actions by PCHA:

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

PCHA must terminate the participant family for the following reasons:

- Family choice.

The family may request that the PCHA terminate housing assistance payments on behalf of the family at any time.

- Family with Zero Assistance.

If the family has received zero assistance in 180 days PCHA will terminate assistance. If the participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero. The family must notify the PCHA of the changed circumstances and request an interim re-certification before the expiration of the 180 day period.

- Eviction. [24 CFR 982.552\(b\)\(2\)](#), [24 CFR 5.2005\(c\)\(1\)](#)

The PCHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. A family will be considered evicted if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

- Failure to provide consent. [24 CFR 960.259](#)

The PCHA will terminate the voucher assistance if any family member fails to sign and submit any consent form they are required to sign at admission.

- Failure to document citizenship. [24 CFR 5.514](#); [24 CFR 960.259](#)

The PCHA will terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members. If the PCHA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis.

- Failure to Disclose SSN. [24 CFR 5.514](#); [24 CFR 960.259](#)

The PCHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the family's control such as delayed processing of the SSN application by the SSA, natural

disaster, fire, death in the family or other emergency, if there is a reasonable likelihood that the family will be able to disclose an SSN by the deadline.

- Threat to Other Participants.

The PCHA will terminate the lease when any household member engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other participants or by persons residing in the immediate vicinity of the premises.

Immediate vicinity means within a three- block radius of the premises.

- Methamphetamine Conviction. 24 CFR 966.4

The PCHA will immediately terminate the lease if PCHA determines that any household member has ever been convicted of manufacture or production of methamphetamine in any location, and/or on the premises of federally-assisted housing.

- Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation.

The PCHA will terminate the lease if the PCHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

- Other Serious or Repeated Violations of the Family Obligations of the HCV Program

- Fugitive Felon or Parole Violator.

If a participant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

- Persons subject to sex offender registration requirement.

If any member of the household has, during their current participation in the HCV program, become subject to a registration requirement under a state sex offender registration program regardless whether it is for life time or not.

- Crime On or Off the Premises

- Drug related convictions; Alcohol related convictions (if it indicates an ongoing pattern); Fraud;
- Acts of violent behavior convictions; and or Crimes of violent behavior
- Applicants/participants must report any convictions from criminal activity which occurs after the application review (this includes residents, participants and those that have not yet moved into PCHA assisted housing program(s)).
- PCHA will allow applicants and participants to address and present mitigating circumstances regarding criminal background checks prior to final decision.

HCV Program Violations That May Lead to Termination:

- Discovery of facts after admission to the program that would have made the participant ineligible.
- Discovery of false statements or fraud by the participant in connection with an

- application for assistance or with a reexamination of income.
- Failure to furnish such information and certifications regarding family composition and income as may be necessary for the PCHA to make determinations with respect to rent, eligibility, and unit size.
    - Information not provided: After issuance of the termination notice, but before the effective date of the termination, the participant may provide the missing data. It is solely PCHA's discretion whether to accept the data or to proceed with termination.
  - Missed appointments per policy and procedure requirements.
  - Failure to transfer to an appropriate size unit based on family composition, upon notice by the PCHA that such a move is required for HQS compliance.
  - Failure to permit access to the unit by the PCHA after proper advance notification for the purpose of performing routine inspections.
  - Failure to inform the PCHA within 10 business days of the birth, adoption or court-awarded custody of a child.
  - If the family has breached the terms of a repayment agreement entered into with the PCHA.
  - If a household member has engaged in or threatened violent or abusive behavior toward PCHA personnel.
    - Abusive or violent behavior towards PCHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. Threatening refers to oral or written threats or physical gestures that communicate with the intent to abuse or commit violence.
  - Furnishing false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.
  - If the family does not remedy family-caused inspection failures in the required timeframe.
  - If the family does not allow PCHA to inspect the unit at reasonable times and after reasonable notice.
  - If any family member commits lease violations, including but not limited to:
    - If the family does not give proper notice to PCHA and the owner before moving out of the unit.
    - The family does not give PCHA a copy of any owner eviction notice as required in this Administrative Plan.
    - If the family is not using the assisted unit for residence by the family and/or the assisted unit is not the family's only residence.
    - If the family has non-approved persons residing in the unit.
    - If the family does not promptly notify PCHA that a family member no longer resides in the assisted unit.
    - If the family engages in profit making activities in the assisted unit which are not incidental to the primary residential use of the unit.
  - Limitation on Profit Making Activity in the Unit:



- If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it is considered a violation.
- If PCHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit.
  - If the family subleases, lets, assigns the lease or transfers the unit.
  - If the family does not notify PCHA of an absence from the unit, and if the family does not provide PCHA any requested information regarding the absence.
  - If the family owns or has any interest in the unit.
- If any family member is receiving or received Section 8 participant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative housing assistance program.
- If the family breaches an agreement with PCHA to pay amounts owed to PCHA or amounts paid to an owner by PCHA.
- Insufficient ACC funding to support continued assistance for families in the program. In such event, PCHA will follow the procedures outlined in PCHA's Management Procedures.
- If the family fails to disclose to PCHA any HUD notification it has received regarding discrepancies in the amount or verification of family income.
- Any other HUD required reason.

## 12.6 Termination Notification

In any case where the PCHA determines to terminate assistance to the family, the PCHA will give both the family and the owner a 30-day written termination notice. However, if a family vacates the unit without informing the PCHA, 30 days-notice will not be given. In these cases, the notice to terminate will be sent and effective at the time the PCHA learns the family has vacated the unit. The notice of termination will state:

- Specific reasons for the termination
- Effective date of the termination
- Family's right to request an informal hearing
- Family's responsibility to pay the full rent to the owner if it remains in the assisted unit after the termination effective date
- Copy of criminal record (if the criminal record is the basis of the termination).
- Protection Rights under the Violence Against Women's Act

When a family requests to be terminated from the program they must do so in writing to the PCHA. The PCHA will then send a confirmation notice to the family and the owner within 10 business days of the family's request, but no later than the termination effective date (as requested by the family).



## 12.7 Removal of a Family Member from the Application

Link: [24 CFR 982.552\(c\)\(2\)\(ii\)](#)

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit.

After admission to the program, the family must present evidence of the former family member's current address upon PCHA request, if available. Family member(s) who have been removed pursuant to this provision may not be returned to the voucher at a later date.

## 12.8 Reasonable Accommodation Related to Denials or Terminations

Link: [24 CFR 982.552\(2\)\(iv\)](#)

PCHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation.

When applicants with disabilities are denied assistance, the notice of denial must inform them of PCHA's informal review process and their right to request a review. In addition, the notice will inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process. If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, PCHA will determine whether the behavior is related to the disability. If so, upon the family's request, PCHA will determine whether alternative measures are appropriate as a reasonable accommodation. PCHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance.

## 12.9 Repayment Agreements

Link [PIH Notice 2018-18](#)

If a family owes amounts to the PCHA, as a condition of continued occupancy, the PCHA may require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the PCHA of the amount owed. The family will have the option to repay the amount owed as follows:

- In a lump-sum payment; or
- Monthly installment; or
- A combination of lump-sum payment and monthly installments

Any repayment agreement between the PCHA and a family must be signed and dated by the PCHA and by the head of household and spouse/co-head (if applicable). If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the PCHA will terminate the family's tenancy and utilize other available collection alternatives including, but not limited to, the following:



- Collection agencies
- Small claims court
- Civil law suit
- State income tax set-off program

The repayment agreement will specify: the total amount owed, any lump sum payment made at the time of execution (if applicable), and the monthly repayment amount. The monthly repayment, when combined with the family's Total Tenant Payment (TTP), will not exceed 40% of the family's adjusted monthly income. The monthly repayment amount will be adjusted in accordance with any changes to the family's TTP.

Repayment agreements with PCHA will not exceed a term of 12 months. Any remaining balance after the 12th month following execution of the agreement must be paid in full. Failure to comply with the terms of the repayment agreement may result in termination of assistance under the HCV program.

The PCHA generally will not enter into a repayment agreement with a family if:

- There is already a repayment agreement in place with the family
- If the PCHA determines that the family committed program fraud
- If the amount of the monthly payments together with the family's TTP exceeds 40% of the family's adjusted monthly income.
- If the amount is greater than \$5,000, or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

PCHA may at any time not enter into a repayment agreement and instead terminate the family's tenancy and pursue alternative collection methods. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed and may be reported in HUD's EIV system as a debt owed. PCHA may take such action, as necessary, to collect the amounts owed.

### Owner Debt to the PCHA

If the PCHA determines that the owner has retained housing assistance or claims payments the owner is not entitled to, the PCHA may reclaim the amounts from future housing assistance or claim payments owed by the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the PCHA may require the owner to pay the amount in full within 30 days or restrict the owner from future participation.



## CHAPTER 13 - Informal Reviews and Informal Hearings

### 13.1 Informal Review Policy

Links: [24 CFR 982.554](#);

PCHA provides a copy of the Informal Review and Hearing procedures in the family briefing packet. When possible and allowed by regulation/law, PCHA may conduct administrative reviews of informal hearing/review requests and provide alternate resolutions at its discretion before proceeding with the family's request for a review or hearing.

An applicant may request an informal review of the PCHA's decision to deny the applicant's participation in the Housing Choice Voucher Program. Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

An applicant may request an informal review if the applicant:

- Is denied listing on the waiting list or for a preference
- Is denied a voucher
- Is denied participation in the Program including portability

Informal reviews will not be granted to applicants who dispute:

- The unit size (number of bedrooms) stated on the voucher.
- A determination that a unit does not comply with Housing Quality Standards including space requirements.
- A determination that a proposed lease is unacceptable.
- A decision to not approve a request for an extension of the term of the voucher.
- General policy issues, class grievances, or discretionary administrative determinations.

When the PCHA determines that an applicant is ineligible for the program PCHA will notify the applicant of their ineligibility in writing. The notice will contain:

- Reason(s) the family is ineligible
- Procedure for requesting a review if the applicant does not agree with the decision
- Time limit for requesting a review: The applicant must submit the written request for an informal review within 10 business days of the date of the denial notice.
- If the request is not submitted timely, it will mean that the applicant waived their right to request an informal review.

The informal review will be conducted by a person or panel including other than the one who made the decision under review or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of the PCHA. The review decision will be based only on evidence presented at the review by both parties. Evidence presented after the review will not be considered. Extensions for evidence will not be granted.

The person or panel conducting the informal review will make a recommendation to the PCHA, but the PCHA Program Director is responsible for making the final decision as to whether admission should be granted or denied. If the informal review decision overturns the denial, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

## 13.2 Informal Hearing Policy

Link: [24 CFR 982.555](#)

Informal hearings may be requested for the following reasons:

- Determination of the amount of the total tenant payment or tenant rent
- Determination of hardship regarding minimum rent
- Decision to terminate assistance
- Decision to deny a family move
- Appropriate utility allowance used from schedule
- Family unit size under PCHA subsidy standards
- Termination of a family's FSS Contract, withholding supportive services, or proposing forfeiture of the family's escrow account

PCHA is not required to provide an informal hearing in the following cases:

- Discretionary administrative determinations by PCHA, or to consider general policy issues or class grievances
- Determination that the unit does not comply with PCHA's Housing Quality Standards including space requirements for family size, that the owner failed to maintain the unit in a decent, safe, and sanitary manner in accordance with the Housing Quality Standards (HQS), (including all services, maintenance, and utilities required under the lease).
- Decision to exercise any remedy against the owner under an outstanding contract, including the termination of Housing Assistance Payments to the owner
- Decision not to approve a family's request for an extension of the term of the Voucher issued to an assisted family which wants to move to another dwelling unit with continued participation
- Establishment of PCHA schedule of utility allowances for families in the program
- Disapproval of unit or lease

When the PCHA determines that a participant should be terminated from the program, PCHA will notify the participant of their proposed termination in writing. The notice will contain:

- Reason(s) for and timing of termination
- The date the proposed action will take place
- Procedure for requesting a hearing if the participant does not agree with the decision

Time limit for requesting a hearing: The participant must submit the written request for an informal hearing within 10 business days of the date of the termination notice.

### 13.3 Conducting Informal Hearings

The PCHA may conduct informal reviews telephonically, via video- teleconferencing, or through other virtual platforms provided that the family has not requested in-person informal hearing. Prior to scheduling a remote informal the PCHA will survey the family to determine if technology barriers exist that would limit the family's ability to participate in the hearing. If the participant does not have proper technology access, then the remote hearing will either be postponed until the PCHA can resolve the access issue(s), or an in-person alternative will be provided.

PCHA hearings will be conducted by a single hearing officer or a panel. The PCHA will appoint a person or panel who has/have been selected in the manner required under the hearing's procedure.

Hearings may be attended by the following applicable persons:

- A PCHA representative(s)
- Any witnesses for the PCHA
- The participant
- Any witnesses for the participant
- The participant's counsel or other representative, if requested
  - If the participant is bringing legal counsel to the informal hearing, the participant must notify PCHA at least 24 hours in advance of the hearing
- Any other person approved by the PCHA will be as reasonable accommodation for a person with a disability.

#### Hearing Decision

In rendering a decision, the hearing officer/panel will consider the following matters:

- PCHA Notice to the Family
- PCHA Evidence to Support the PCHA Decision
- Participant Presented Evidence
- Validity of Grounds for Program Termination

#### Rights of the Applicant/Participant and PCHA

The applicant/participant must appear in person at the review/hearing and may be represented by an attorney, or other representative, at their own expense. If the family is being represented by an attorney, the family must notify PCHA of such 24 hours in advance of the review/hearing.

- The applicant/family and PCHA have the right to present evidence, both oral and written.
- The applicant/family and PCHA have the right to question any witnesses, and the right to state their case prior to the hearing officer's decision.
- The applicant/family has the right to arrange for an interpreter to attend the review/hearing, at their own expense.
- The applicant/family has the right to seek redress directly through judicial procedures of the court.
- PCHA has the right to make final submissions.

The applicant/family and PCHA have the right to review any documents directly relevant to the review/hearing. Review of documents will take place at the PCHA office. Copying of any documents will be at the expense of the requesting party at .25 per copy. If the applicant/family or PCHA does not make the document available for examination on the request of the other party, that document may not be relied on during the review/hearing.

### Review/Hearing Process

The review/hearing will follow the following guidelines:

- The review will be conducted by any person or persons designated by PCHA, other than a person who made or approved the decision under review or a subordinate of this person.
- All PCHA Denial and Termination notices will advise the applicant/family of their right to a review/hearing and the process to request a review/hearing.
- The applicant/family must request an informal review/hearing in writing within the required time frame (10 business days after receipt of notice from the PCHA).

PCHA will schedule the hearing within a reasonable timeframe, preferably before the effective termination date. If the hearing cannot be scheduled before the effective termination date, the effective termination date may be extended, based solely on the reason for the delay and at the sole discretion of PCHA.

The notification of hearing will contain:

- Date and time of the hearing
- Location where the hearing will be held (which may include remote/virtual hearing)
- Family's right to bring evidence, witnesses, legal or other representation at the
- Right to view any documents or evidence in the possession of PCHA and upon which PCHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than five business days before the hearing date.
- If a family does not appear at a scheduled review/hearing and has not rescheduled the hearing in advance, the hearing officer will assume the family is no longer interested in the program and will uphold the denial/termination.
- The applicant/family will be given an opportunity to present written or oral objections to PCHA's decision. If the family is presenting written documentation, a copy of the documentation will be made at the time it is presented at the hearing, for the participant file.

PCHA will notify the applicant/family of the PCHA final decision after the informal review/hearing, including a brief statement of the reasons for the final decision. The Notice will contain the following information:

- Applicant/family name
- Applicant/family address
- Date
- Date and time of review/hearing
- Names of everyone in attendance at review/hearing
- Final decision

- Brief statement of the reason(s) for the final decision
- HUD regulation for the denial/termination (if upholding the denial/termination)
- Effective date of denial/termination (if applicable)

A hearing decision letter will also be sent to the owner, stating whether the termination was upheld or overturned. The notice to the owner will contain the following information:

- Family name
- Unit address
- Effective date of termination or
- Effective date of re-instatement

All requests for review, supporting documentation, and a copy of the final decision will be filed in the family's file.

### Decisions Not Binding to PCHA

PCHA is not bound by a review/hearing decision on the following matters:

- A matter for which PCHA is not required to provide an opportunity for an informal review/hearing or otherwise in excess of the PCHA of the person conducting the review/hearing.
- A decision given contrary to HUD regulations, requirements, or otherwise contrary to Federal, State or Local law.

In the event that a review/hearing decision is not binding to PCHA, the Managing Director or their designee will send a notice to all parties attending the review/hearing that the decision is null and void. The notice will set a date and time for a new hearing with a different hearing officer.

### Hearing Provisions for Restrictions on Assistance to Non-Citizens

Assistance to the family will not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision of the USCIS appeal.

Assistance to a family will not be terminated or denied while the PCHA hearing is pending; however assistance to an applicant may be delayed pending the PCHA hearing.

## 13.4 USCIS Determination of Ineligibility

If a family member claims to be an eligible immigrant, and the USCIS SAVE system and manual search do not verify the claim, PCHA will notify the applicant/family within ten business days of their right to appeal to the USCIS within thirty calendar days or to request an informal hearing with PCHA either in lieu of or subsequent to the USCIS appeal.

If the family appeals to the USCIS, they must give PCHA a copy of the appeal and proof of mailing, or PCHA may proceed to deny or terminate. The time period to request an appeal may be extended by PCHA for good cause. Good cause includes medical emergency, employment emergency, family emergency, etc. The emergency must be documented in writing (doctor's statement, employer statement, independent agency statement, etc.)

The request for a PCHA hearing must be made within 10 business days of receipt of the notice offering the hearing or, if an appeal was made to the USCIS, within 10 business days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this Plan for both applicants and families. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PCHA will:

- Deny the applicant family.
- Terminate the family if the family does not qualify for deferral.

If there are eligible members in the family, the PCHA will offer to prorate assistance or give the family the option to remove the ineligible members.

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Families whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights describes above) are entitled to a hearing based on the right to a hearing regarding determinations of Total Participant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

PCHA's informal review and informal hearing procedures are stated in the PCHA HCV Informal Review and Hearing Procedure.

## Chapter 14 – Program Integrity

Link: 24 CFR [982.552\(c\)\(iv\)](#); [24 CFR 985](#)

The PCHA anticipates that the majority of families and PCHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the PCHA's program is administered effectively and according to the highest ethical and legal standards, the PCHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

The PCHA will:

- Provide each applicant and participant with a copy of "Is Fraud Worth It?"
- Provide each applicant and participant with a copy of "What You Should Know about EIV" and require receipt of confirmation.
- Review and explain the contents of all HUD and PCHA required forms prior to requesting family member signatures.
- Place a warning statement about the penalties for fraud on key PCHA forms and letters that request information from a family member.
- Provide each PCHA employee with the necessary training on program rules and the organization's standards of conduct and ethics.

### 14.1 Detecting Errors and Program Abuse

The PCHA will employ a variety of methods to detect errors and program abuse, including:

- Using the results reported in any program audit or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the PCHA's error detection and abuse prevention efforts.
- Encouraging staff, participants, and the public to report possible program abuse.
- Reviewing all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation.
- Investigating inconsistent information related to the family that is identified through file reviews and the verification process.

For each investigation the PCHA will determine:

- Whether an error or program abuse has occurred.
- Whether any amount of money is owed to the PCHA.
- What corrective measures or penalties will be assessed.

### 14.2 De Minimis Errors

De minimis errors occur when the PCHA determination of a family's income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (or \$360 in annual adjusted income).

As the PCHA becomes aware of the existence of an income calculation error, it will correct the error(s) retroactive to the effective date of the action the error was made. Depending upon the family

circumstances and when errors are detected, the PCHA may take one of the following corrective actions to credit or repay the family.

- Repay the family the tenant portion overpayment
- This may be performed if the family no longer resides in the same unit or a unit under the same ownership as when the family overpayment was made.
- Apply the family a credit to reduce the amount of tenant rent to owner until the amount of family overpayment has been met.
- This may be performed if the family continues to reside in the same unit as when the overpayment was made.

Families will not be required to repay the PCHA in instances where the PCHA miscalculated income resulting in a family being undercharged for rent.

### **14.3 Consideration of Remedies**

All errors and instances of program abuse will be corrected prospectively. Whether the PCHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

In the case of family-caused errors or program abuse, the PCHA will take into consideration:

- The seriousness of the offense and the extent of participation or culpability of individual family members.
- Any special circumstances surrounding the case.
- Any mitigating circumstances related to the disability of a family member.
- The effects of a particular remedy on family members who were not involved in the offense.

### **14.4 Notice and Effective Dates**

The PCHA will inform the relevant party in writing of its findings and remedies within 15 business days of the conclusion of the investigation.

The notice will include:

- A description of the error or program abuse,
- The basis on which the PCHA determined the error or program abuses,
- The remedies to be employed, and
- The family's right to appeal the results through an informal review or informal hearing.

Increases in the participant's rent will be implemented retro-actively to the date of the unreported increase. The participant may or may not be offered a repayment agreement, based on the seriousness and length of the unreported income.

Any decreases in participant rent will become effective at the first of the month following the discovery or retro-actively if due to PCHA error.

In the case of family-caused errors or program abuse, the family will be required to repay any amounts of rent underpaid. The PCHA may offer the family a repayment agreement. If the family fails to repay the amount owed, the PCHA will terminate the family's lease.

The PCHA will reimburse a family for any family overpayment of rent.

## **14.5 Placement of Documents, Evidence and Statements Obtained by the PCHA**

Documents and other evidence obtained by the PCHA during an investigation will be considered "work product" and will either be kept in the participant's file or in a separate "work file." In either case, the participant file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among PCHA staff unless they are involved in the process or have information that may assist in the investigation.

## **14.6 Family Prohibited Actions**

Any of the following will be considered evidence of family program abuse:

- Offering bribes or illegal gratuities to the PCHA Board of Commissioners, employees, contractors, or other PCHA representatives
- Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to the PCHA on the family's behalf
- Use of a false name or the use of falsified, forged, or altered documents
- Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition)
- Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
- Admission of program abuse by an adult family member
- The PCHA may determine other actions to be program abuse based upon a preponderance of the evidence.

## **14.7 PCHA Prohibited Activities**

Any of the following will be considered evidence of program abuse by PCHA staff:

- Failing to comply with any HCV program requirements for personal gain
- Failing to comply with any HCV program requirements because of a conflict-of-interest relationship with any applicant or participant
- Seeking or accepting anything of material value from applicants, participants, owners, vendors, contractors, or other persons who provide services or materials to the PCHA
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of PCHA activities, policies, or practices
- Misappropriating or misusing HCV funds
- Destroying, concealing, removing, or inappropriately using any records related to the HCV program
- Committing any other corrupt or criminal act in connection with any federal housing program

When the PCHA determines that program abuse by a family or PCHA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the PCHA will refer the matter to the appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.

## 14.8 Owner Prohibited Activities

Link: [Title 18 U.S.C. Section 1001](#)

An owner participating in the HCV program must not:

- Make any false statement to the PCHA.
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

Any of the following will be considered evidence of owner program abuse:

- Charging the family rent above or below the amount specified by the PCHA;
- Charging a security deposit other than that specified in the family's lease;
- Charging the family for services that are provided to unassisted tenants at no extra charge;
- Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit;
- Knowingly accepting incorrect or excess housing assistance payments;
- Offering bribes or illegal gratuities to the PCHA Board of Commissioners, employees, contractors, or other PCHA representatives;
- Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the PCHA; or
- Residing in the unit with an assisted family.

### Owner Remedies and Penalties

In the case of owner-caused errors or program abuse, the PCHA will take into consideration (1) the seriousness of the offense; (2) the length of time since the violation has occurred; and (3) the effects of a particular remedy on family members who were not involved in the offense.

When the PCHA determines that the owner has committed program abuse, the PCHA may take any of the following actions:

- Terminate the HAP contract.
- Bar the owner from future participation in any PCHA programs.
- Refer the case to state or federal officials including the HUD Office of Inspector General (HUD- OIG for criminal prosecution).
- Require the owner to repay excess housing assistance payments.

PCHA may recover overpaid amounts by withholding housing assistance payments due for subsequent months. If the debt is large, the PCHA may allow the owner to pay in installments over a period of time.

### Corrections to Subsidy Payments

When an incorrect subsidy is identified as a result of an error, program fraud, misrepresentation or abuse, PCHA will promptly correct the subsidy under- or overpayment. A subsidy under- or overpayment includes:

- An incorrect housing assistance payment to the owner;
- An incorrect family share established for the family; and
- An incorrect utility reimbursement to a family.

Families and owners will be notified of corrective actions and penalties, if any. Increases in the family share will be implemented only after the family has received 30 days' advanced notice. Any decreases in family share will become effective on the first of the month following the discovery of the error. The family will not be reimbursed when the family causes the underpayment.

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by PCHA staff.

When efforts to collect monies owed to the PCHA (as described in the Family or Owner Remedies sections of this Plan) are unsuccessful, PCHA may also pursue collection through credit bureaus, small claims court, civil lawsuit, state income tax set-off program or other debt recovery solutions.

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## CHAPTER 15 - Project Based Vouchers

Link: [24 CFR 983](#)

Except as provided by federal regulation (24 CFR 983.2), the Administrative Plan policies stated for the HCV tenant-based program also apply to the PBV program.

### 15.1 Overview

A project is a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Contiguous in this definition includes “adjacent to”, as well as touching along a boundary or a point. The PCHA may provide voucher assistance to project by entering a Housing Assistance Payment (HAP) contract for a period of up to 20 years for each contracted unit. The PCHA may use up to 20 percent of Housing Choice Voucher authorized units for project-based assistance. The PCHA may increase the use of Project Based Vouchers additional 10 percent for homeless families, families with veterans, supportive housing for people with disabilities or elderly persons, or in areas where vouchers are difficult to use.

### 15.2 Proposal Selection

Link: [24 CFR 983.52\(a\)\(b\)\(c\); §8\(o\)\(13\)\(B\) of the 1937 Act](#)  
[oster](#)

Prior to issuing a Request for Proposal or selecting a project without following a competition process where the PHA has ownership interest, PCHA will submit to the local field office all required information under §8(o)(13)(B) of the 1937 Act. The PCHA will select proposals for PBV assistance using either the Request for Proposal method or the Previous Competition method.

#### Units Held for Foster Youth

The PCHA will not make units exclusively made available to eligible youth described in Section 8(x)(2)(B) of the U.S. Housing Act. The PCHA’s special programs do not include Family Unification Program (FUP) assistance.

#### PCHA Request for Proposals Method for Rehabilitated and Newly Constructed Units

The PCHA will provide public notice of the opportunity to offer PBV proposals for consideration by the PHA. The public notice will include publication of the public notice in a local newspaper of general circulation and on PCHA website. The public notice will include details related to application selection criteria, submission requirements and the submission deadline. The PCHA will provide written notice to the party that submitted a selected proposal and will also give prompt public notice of such selection.

The PCHA will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

- Owner experience and capability to build or rehabilitate housing as identified in the RFP

- Extent to which the project furthers the PCHA goal of deconcentrating poverty and expanding housing and economic opportunities
- The extent to which services for special populations are provided on site or in the immediate area for occupants of the property
- Projects with less than 25 percent of the units assisted will be rated higher than projects with 25 percent of the units assisted. In the case of projects for occupancy by the elderly, people with disabilities or families needing other services, the PCHA will rate partially assisted projects on the percentage of units that are available to receive assistance. Projects with the lowest percentage of assisted units will receive the highest score.

### PCHA Requests for Proposals for Existing Housing Units

The PCHA will advertise proposals for existing housing in local newspaper(s) and on the PCHA web site. The advertisement will specify the number of units the PCHA estimates will be able to assist. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

- Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program
- Extent to which the project furthers the PCHA goal of deconcentrating poverty and expanding housing and economic opportunities
- If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property
- Extent to which units are occupied by families that are eligible to participate in the PBV program.

### PCHA Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

The PCHA will accept proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

In addition to, or in place of advertising, the PCHA may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

Proposals will be reviewed on a first-come first-served basis. The PCHA will evaluate each proposal on its merits using the following factors:

- Extent to which the project furthers the PCHA goal of deconcentrating poverty and expanding housing and economic opportunities
- Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.

### **15.3 Notice of Owner Selection**

Link: [24 CFR 983.51\(d\)](#)

PCHA will notify the selected owner in writing of the owner's selection for the PBV program pursuant to HUD requirements. PCHA will notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

The PCHA will make available its rating and ranking sheets and documents that identify the PCHA basis for selecting the proposal for one month after publication of the notice. The PCHA will not include sensitive owner information, such as financial statements, etc.

The PCHA will make these documents available for review at the PCHA during normal business hours.

### **15.5 Project Based Assistance to PHA owned Units**

HUD or a HUD-approved independent entity must review the selection process for PCHA owned units to confirm appropriate selection. Initial rents and annual rent changes for PCHA-owned units will be determined by the independent entity based on PBV program requirements. The term of the HAP contract and any HAP contract renewal must be agreed upon by PCHA and the independent entity. Housing inspections will be performed by the independent entity.

Where the PCHA is the owner and development activity or substantial improvement is completed prior to the execution of the HAP contract, an independent entity will review and certify the completion of development activity. This certification will take the form of an executed certification which will include the following information: Site Address, Inventory of Units (including location and size), work completed, completion date, inspection date, inspection standard, name of inspector.

### **15.5 Agreement to Enter into HAP Contract**

Link: [24 CFR 983.152](#)

For rehabilitated or newly constructed units, PCHA will enter into an Agreement to Enter into a HAP Contract with the property owner. In the Agreement the owner agrees to develop the PBV contract units to comply with housing inspection standards (HQS/NSPIRE), and the PCHA agrees that upon timely completion of development the PCHA will enter into a HAP Contract with the owner for the contract units.

The PCHA will enter into the Agreement with the owner after receiving both environmental review approval and notice that subsidy layering requirements have been met and before construction or rehabilitation work is started. Additional owner documents may be required. PCHA will specify any additional documentation requirements in the Agreement.

For existing housing, the HAP contract will be executed after PCHA determines that all units pass housing inspection standards.

## **15.6 Site Selection Standards**

Link: [24 CFR 983.57\(b\)](#)

PCHA will follow HUD regulations regarding site selection requirements for existing housing, newly constructed housing and rehabilitated housing. Before entering into an agreement or HAP contract PCHA will determine that the PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities.

In developing standards to apply in determining whether a proposed PBV development will be selected, PCHA will consider the following to determine whether the PBV meets the PCHA goals of deconcentrating poverty and expanding housing and economic opportunities.

- If the poverty rate in the proposed PBV development area is greater than 20%, PCHA will consider whether in the past five years there has been an overall decline in the poverty rate;
- A census tract in which the proposed PBV development will be located in a HUD- designated Enterprise Zone, Economic Community, or Renewal Community.
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition.
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization.
- A census tract where there are meaningful opportunities for educational and economic advancement.
- The site meets HUD requirements, including section 504 site selection requirements (24 CFR 8.4(b)(5))
- Other factors as determined by PCHA to meet the needs of the community.

### **Eligible Units/Cap on PBV Units**

Link: [24CFR 983.52](#), [24 CFR 983.56\(a\)](#)

Project based assistance may be attached to up to 25% of the total number of units in a project. Project is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Units specifically made available to the homeless, veterans, disabled and / or elderly families, or that are for families eligible to receive supportive services (whether actually receiving services or not) are excepted from the maximum number of assisted units per project.

Supportive services that may be offered to a member of a qualified household include, but are not limited to, the following:

- Meal service adequate to meet nutritional need
- Housekeeping aid
- Personal assistance
- Transportation services
- Health-related services
- Educational and employment services
  - job training
  - computer skills
  - resume assistance
  - GED preparation
  - ESL Classes
  - financial literacy
- Services offered through the Family Self Sufficiency Program
- Other services designed to help the recipient live in the community as independently as possible.

Supportive services will be offered throughout the family's tenancy in the excepted unit. The family may continue to reside in the exempted unit following the successful completion of supportive services or when supportive services are no longer required. The PBV Property Management will advise the PCHA when a family fails to complete their supportive services requirement without good cause. The unit loses its excepted status if the family becomes ineligible for the supportive services during its tenancy, provided that: (i) the family becomes ineligible for all supportive services available to the family, and (ii) the family becomes ineligible for reasons other than successfully completing the supportive services objective. In such event, the PCHA may:

- Reduce the number of excepted units
- Substitute the excepted unit for a non-excepted unit
- Temporarily remove the unit from the PBV HAP contract and provide the family with tenant-based assistance

## 15.6 Uniform Relocation Act

Link: [24 CFR 983.7](#), [49 CFR Part 24](#)

If as a result of the PBV selection, there are existing households that are determined to be ineligible for PBV; PCHA will require the owner to comply with the Uniform Relocation Act and the implementing HUD regulations of the Act.

## 15.7 Housing Assistance Payments (HAP) Contracts

Link: [24 CFR 152](#)

### Term of the HAP Contract

The term of all PBV HAP contracts will be no less than one year, and no more than 20 years, and will be negotiated with the owner on a case-by-case basis. Contracts may be extended for an additional term(s) not to exceed a total of 20 years (40 cumulative years).

### Extending the HAP Contract

When determining whether or not to extend an expiring PBV contract, the PCHA will consider several factors including, but not limited to:

- The cost of extending the contract and the amount of available budget authority; The condition of the contract units;
- The owner's record of compliance with obligations under the HAP contract and lease(s);
- Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities;
- The need for and availability of supportive services for the PCHA population; and
- Whether the funding could be used more appropriately for tenant-based assistance.

### Amendments to the HAP Contract

The PCHA will consider HAP Contract amendments to add additional / substitute PBV units in the same project. The PCHA will consider adding to or substitution of contract units under the HAP contract when the PCHA determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

- A unit under HAP Contract has failed housing inspection with 24-hour emergency fail deficiency and repair and the family would be displaced for greater than the 30 days (substitution of unit).
- Family composition changes result in either over-housed/under-housed conditions and the property has appropriate size units onsite (substitution of unit).
- The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and
- Voucher holders are having difficulty finding units that meet program requirements.
- Adding additional PBV units which include supportive services.

The PCHA will substitute the unit for another unit if it is possible to do so in accordance with 24 CFR 983.207(a), so that the overall number of excepted units or units under the increased program cap in the project is not reduced. The PCHA may, in conjunction with such

substitution, add the original unit to the HAP contract if it is possible to do so in accordance with 24 CFR 983.207(b), including that such addition does not cause the PCHA to exceed the program cap or become non-compliant with the project cap.

If substitution is not available, the PCHA will remove the unit from the PBV HAP contract. In conjunction with the removal, the PCHA may provide the family with tenant-based assistance, if the family is eligible for tenant-based assistance.

The family and the owner may agree to use the tenant-based voucher in the unit; otherwise, the family must move from the unit with the tenant-based voucher. If the family later vacates the unit, the PCHA may add the unit to the PBV HAP contract in accordance with 24 CFR 983.207.

## 15.8 Unit Inspections

Link: [24 CFR 983.103](#)

All contract units will be inspected and comply with HUD inspection standards (HQS/NSPIRE) prior to HAP contract execution.

At least biennially during the term of the HAP contract, the PCHA will inspect a random sample, consisting of at least 20 percent of the contract units in each building, to determine if the contract units and the premises are maintained in accordance with the housing inspection standards (HQS/NSPIRE). Turnover inspections are not counted toward meeting this inspection requirement.

If more than 20 percent of the inspected units in a building fail, the PCHA will re-inspect 100 percent of the contract units in the building.

In the case of a property assisted with project-based vouchers that is subject to an alternative inspection, the PCHA may rely upon inspections conducted at least triennially to demonstrate compliance with the inspection requirement.

In the case of PCHA-owned units, the inspections will be performed by an independent agency designated by PCHA and approved by HUD. The independent entity must furnish a copy of each inspection report to PCHA and to the HUD field office where the project is located. PCHA must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by PCHA's-owner.

### Enforcement of Inspection Standards

PCHA will abate the HAP payment for an inspection deficiency not cured within the 30 day required period and terminate PBV unit from the HAP contract for non-compliance with housing inspection standards if not cured after 60 day abatement.

### Notification to PBV Applicants

PCHA will provide notice to families offered PBV assistance when there is a unit in the property with inspection deficiencies that the owner's failure to correct the deficiencies within the cure period may result in removal of the unit from the HAP contract.

## 15.9 Initial Rent and Rent Increases

Link: [24 CFR 983, Subpart G](#)

### Initial Rent

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP Contract term.

### Rent Increases

An owner's request for a rent increase must be submitted to the PCHA 60 days prior to the anniversary date of the HAP contract and must include the new rent amount the owner is proposing.

## 15.10 Tenant Selection from the Wait List

Link: [24 CFR 983.255](#)

Except where noted in the Administrative Plan, the PCHA's tenant selection procedures for its tenant-based programs apply for units assisted under the PBV Program. The PCHA maintains both PHA maintained PBV site based waiting lists as well as owner maintained PBV site based waiting lists. The list of owner-maintained site lists and their respective tenant selection preferences and the PCHA oversight process is attached to the administrative plan as **Appendix C**, which may be updated periodically, and which will be posted on the PCHA website.

Except for units which are occupied by eligible tenants upon the commencement of the project based contract term, when a vacancy exists at a PCHA maintained PBV wait list site, the PCHA will notify the next families on the PBV site-based wait list. PCHA's letter to the applicants will also state that if the applicant is interested in residing in the vacant PBV unit that the applicant will not lose their place on the PCHA's HCV waiting list (if applicable) until that person has been leased in the PBV unit. An applicant who rejects an offer of a project-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list, as if the offer had not been made. If an applicant rejects an offer for good cause, the applicant will remain on the PBV wait list. PCHA defines good cause as:

- The unit offered has inspection related deficiencies or is in a property that is at risk of HAP Contract Termination
- The unit is inaccessible or otherwise does not meet the disability-related needs of a household member with disabilities
- The unit presents a health or safety risk due to being a victim of domestic violence, dating violence, sexual assault, or stalking

- Circumstances beyond the family's control

If a dwelling unit to which assistance is to be attached under the project-based voucher program is occupied, PCHA must determine whether the unit's occupants are eligible for assistance. If a unit is occupied by an eligible family and the unit is selected by PCHA, the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on the PCHA's waiting list.

In the event that there are an insufficient number of eligible persons on the PCHA maintained wait waiting list, the PCHA will place applicants referred by the owner on the PBV site-based waiting list. Eligibility for selection in the Project-based voucher program will be consistent with the PCHA's tenant-based and project-based assistance programs.

The PCHA will provide a selection preference when required by the regulation (e.g., eligible in-place families, qualifying families for "excepted units," mobility impaired persons for accessible units). The PCHA will not offer any additional preferences for the PBV program or for particular PBV projects or units.

Applicants must meet all of PCHA's applicable eligibility requirements. PCHA will refer qualified applicants to the owner for all vacancies. If the PCHA referrals do not provide the owner with a suitable tenant for the unit within 30 days, the owner may refer an eligible individual or family from the owner's waiting list to the PCHA.

The owner chooses a tenant for occupancy from the qualified applicants referred by PCHA based on their written tenant selection policy. The PCHA must approve the owner's tenant selection procedures. When a family is approved by the owner, they will execute a lease with the owner.

The owner must notify the PCHA in writing (mail, fax, or e-mail) within 5 calendar days of learning about any vacancy or expected vacancy. The PCHA will make every reasonable effort to promptly refer families to the owner after receiving a vacancy notice from the owner.

## **15.11 Unit Moves/Transfers**

### **Overcrowded, Under-Occupied, and Accessible Units**

Link: [24 CFR 983.259](#)

The PCHA will promptly notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit. The PCHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project;
- PBV assistance in another project; and
- Tenant-based voucher assistance.

When the PCHA offers a family another form of assistance that is *not* a tenant-based voucher, the family will be given 60 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 60-day time frame, the PCHA will terminate the housing assistance payments at the expiration of this 60-day period.

The PCHA may make exceptions to this 60-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member, or as a reasonable accommodation.

### Moves Requested by the Tenant

Link: [24 CFR 983.261](#)

PBV vouchers are mobile: after one-year families have the option to leave the PBV unit and receive a tenant-based voucher, if a voucher is available. The PCHA will supply the owner with a referral for a new PBV tenant. Families who wish to relocate with continued assistance must inform the owner and the PCHA in writing not less than 30 days prior to the date they plan to vacate the unit and in accordance with the lease. The PCHA will then place the family on a PBV-HCV Voucher program transfer list according to the date and time of receipt by the PCHA of written notification of the family's 30 day notice of intent to vacate. The PCHA will issue the next available tenant-based voucher to families on the PBV-HCV transfer list before proceeding to its regular HCV waiting list. Families from the regular HCV waiting list who have been notified of an eligibility appointment for a tenant-based voucher will not be delayed from receiving their voucher.

In the event that the term of the tenant-based voucher (or any approved extension) expires prior to the family leasing a unit, the family may be allowed to remain in the PBV unit with the owner's written permission.

### Moves from Excepted Units

PCHA will allow families who initially qualified to live in an excepted unit to remain when circumstances change due to factors beyond the remaining family members' control.

In all other cases, when PCHA determines that a family no longer meets the criteria for a "qualifying family" in connection with the 20 percent per project cap exception, PCHA will provide written notice to the family and owner within 30 calendar of making the determination. The family will be given 30 days from the date of the notice to move out of the PBV unit. If the family does not move out within this 30-day time frame, PCHA will terminate the housing assistance payments at the expiration of this 30-day period. PCHA may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member. PCHA may refer other eligible families to the excepted units. However, if there are no eligible families on the waiting list and the owner does not refer eligible families to PCHA, PCHA will amend the HAP contract to reduce the total number of units under contract.

## **15.12 Vacancy Payments**

[24 CFR 983.352](#)

The HAP Contract with the owner will contain any vacancy payment agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments, which will in no event exceed 60 days.

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the PCHA determines that the vacancy is the owner's fault.

If the PCHA determines that the owner is responsible for a vacancy and, as a result, is not entitled to keep the housing assistance payment, the PCHA will notify the landlord of the amount of housing assistance payment that the owner must repay. The PCHA will require the owner to repay the amount owed.

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must properly notify the PCHA. In order for a vacancy payment request to be considered, it must be made within 60 calendar days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and the PCHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the PCHA within 60 calendar days of the PCHA's request, no vacancy payments will be made.

## **15.13 Reduction in HAP Contract Due to Vacancies**

Link: [24 CFR 983.25](#)

If any contract units have been vacant for 120 days, the PCHA will give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The PCHA will provide the notice to the owner within 10 calendar days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of the PCHA's notice.

# Chapter 16 - Homeownership

## 16.1 General Provisions

[eCFR :: 24 CFR 982.627 -- Homeownership option: Eligibility requirements for families.](#)

The Housing Choice Voucher (HCV) homeownership program allows families that are assisted under the HCV program to use their voucher to buy a home and receive monthly assistance in meeting homeownership expenses. The PCHA may also offer public housing residents relocating due to development repositioning an opportunity to participate in this program. The program is limited to first-time homeowners who have received housing counseling and meet the minimum income requirements.

Eligible participants are Section 8 participants. Eligible participants must have completed an initial lease term of one year and the first annual re-examination must be completed. In addition, the applicant may not owe the PCHA or any other housing agency an outstanding debt and must meet the eligibility criteria set forth herein.

## 16.2 Family Eligibility Requirements

Participation in the Section 8 Homeownership Program is voluntary. The eligibility requirements for participation include:

- **First-time Home Owner:** Each family must be a first-time homeowner. A “first-time homeowner” means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of homeownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a “first-time homeowner” for purposes of the Section 8 homeownership option and the right to purchase title to a residence under a lease-purchase agreement is not considered an “ownership interest.”
- **At commencement of monthly homeownership assistance payments for the family, or at the time of a downpayment assistance grant for the family, the family must demonstrate that the annual income, as determined by the PHA in accordance with § 5.609 of this title, of the adult family members who will own the home at commencement of homeownership assistance is not less than:**
  - In the case of a disabled family (as defined in § 5.403(b) of this title), the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve; or
  - In the case of other families, the Federal minimum wage multiplied by 2,000 hours.
- **Employment History:** With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of homeownership assistance is employed full-time (an average of 30 hours per week) and has been continuously employed for one year prior to execution of the sales agreement.

- Completion of Initial Lease Term: Eligible participants in the Section 8 Homeownership Program must have completed an initial lease term of one year. The participant's first annual reexamination must be completed.
- No Outstanding Debt to any Housing Agency: Participants shall be ineligible for the homeownership program in the event any debt or portion of debt remains owed to the PCHA or any housing agency.
- No Current Ownership: No family member may have present ownership interest in a residence.
- Family Self-Sufficiency (FSS) Participation: Participants in the Section 8 Homeownership Program are required to participate in the PCHA's FSS program
- Prior Mortgage Default: If a head of household, spouse or other adult household member who will execute the contract of sale, mortgage and loan documents have previously defaulted on a mortgage obtained through the Section 8 Homeownership Program, the family will be ineligible to participate in the homeownership program.

#### Additional PCHA Requirements:

- Documentation of attendance at a PCHA Homeownership Orientation.
- A current bank statement verifying \$2,000 in savings account designated toward the one percent (1%) of personal funds down payment requirement.
  - Applicants must document a three percent (3%) down payment with the mortgage lender prior to closing.
- Documentation of full-time employment status
  - A signed Homeownership Program Voucher Rental Status Confirmation
  - If applicable, a verification of disability, if not on file.
- The family must document household composition for all individuals who will reside in the household.
- Verification that all household bills have been paid on time and in full for 12 consecutive months prior to eligibility.

#### Family Participation Requirements

Once a family is determined to be eligible to participate in the program, it must comply with the following additional requirements:

- **Homeownership Counseling Program**  
PCHA will refer the family to a HUD certified housing counseling agency for completion of the 8 hour HUD home buyer education workshop PRIOR to being eligible.
- **Locating a Home**  
Upon issuance of the homeownership voucher, a family shall have one hundred eighty (180) days to locate and close on a home. It shall be considered located if the family submits a proposed sales agreement with requisite components to the PCHA. For good cause, the PCHA may extend a family's time to locate the home for an additional 30 period.  
If a family is unable to locate a home within the time approved by the PCHA, their rental assistance in their current housing program shall continue. The family must provide evidence of active search on a monthly basis during the 180-day search and purchasing period. The PCHA reserves the right to withdraw the homeownership voucher if the family does not pursue a sales agreement.
- **Type of Home**

A family approved for Section 8 homeownership assistance may purchase one of the following types of homes within Pinellas County: a new or existing home, a single family home, a condominium, a home in a planned use development or a manufactured home to be situated on a privately owned lot.

- **Location of Home**

The family may purchase a home only within the boundaries of Pinellas County.

- **Purchasing a Home**

Once a home is located and a sales agreement is signed by the family and approved by the PCHA, the family must close on the home within the allotted 180- day search and purchase period, or such other time as approved by the PCHA to purchase the home.

- **Failure to Complete Purchase**

If a family with a Section 8 homeownership voucher is unable to purchase a home within the maximum time the PCHA permits, the PCHA shall provide the family with continued assistance in their current housing program. The family may not re-apply for the Section 8 homeownership program until they have completed one additional year of participation.

- **Sales Agreement**

The sales agreement must provide for the HQS inspection by the PCHA and an independent inspection and must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to the PCHA. The contract must also provide that the purchaser is not obligated to pay for any necessary repairs without the approval of the PCHA. The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by the PCHA. The PCHA will include a contract addendum that is required to be signed and submitted with the sales contract.

- **Housing Inspections**

To assure the home complies with the HUD inspection criteria established for the Section 8 program, it must be inspected by the PCHA. Homeownership assistance payments will not commence until this inspection is completed and the home meets all HQS requirements. The participant is not responsible for this expense.

- **Independent Initial Inspection**

In addition to the HQS inspection, the family must also have an independent inspection of the home conducted by a professional home inspector. The inspection must go over the structure and major building systems. The PCHA will not pay for this inspection; it is the family's responsibility. The independent inspection report must be provided to the PCHA. The PCHA may disapprove the unit based on the information contained in the report or for the failure to meet HQS standards.

- **Financing Requirements**

The proposed financing terms must be submitted for approval prior to the close of escrow. The PCHA shall determine the affordability of the family's proposed financing. In making such a determination, the PCHA may take into account other family expenses, including but not limited to, childcare, un-reimbursed medical expenses, education and training, expenses and the like. A conventional fixed mortgage is the only financing term that will be accepted by the PCHA.

Additional PCHA requirements:

- Documentation of completion of a budgeting/financial fitness workshop.

- Documentation of a credit repair consultation and follow up. The lender will determine the credit score required for prequalification.

### Compliance with Family Obligations

A family must agree, in writing, to comply with all family obligations under the Section 8 voucher and the Homeownership programs. These obligations include, but are not limited to:

- Maintain home as a sole residence;  
Attend additional homeownership counseling sessions as required by the PCHA if the family fails to meet mortgage obligations, comply with voucher program requirements, or maintain the home in accordance with HUD inspection standards or Pinellas County property maintenance codes.
- Comply with mortgage terms;
- Comply with terms of Housing Association, if applicable;
- Not sell or transfer the home to anyone other than a member of the assisted family who resides in the home while receiving homeownership assistance;
- May not finance (or re-finance) or add debt secured by the home without prior approval of the PCHA;
- May not obtain a present ownership interest in another residence while receiving homeownership assistance;
- Must supply all required information to the PCHA, including but not limited to, annual verification of household income, notice of change in homeownership expenses, notice of move-outs and notice of mortgage default, and
- Make necessary repairs resulting from an annual HQS inspection within 30 days. The PCHA may grant an extension for major repairs when the family can demonstrate efforts are being made to make the repairs.

### 16.3 Amount of Assistance

The amount of the monthly assistance payment will be based on the voucher payment standard for which the family is eligible, the monthly homeownership expense and the family's household income.

The PCHA will pay the lower of either the payment standard minus the total family contribution or the family's monthly homeownership expenses minus the total family contribution. The family will pay the difference.

#### Determining the Payment Standard and Homeownership expenses

[§ 982.635 Homeownership option: Amount and distribution of monthly homeownership assistance payment.](#)

The voucher payment standard is the maximum monthly assistance payment (before deducting the total tenant payment by the family) made by the PCHA on behalf of a family participating in the homeownership program.

The initial payment standard will be the lower of either the payment standard for which the family is eligible based on family size or the payment standard which is applicable to the size of the home the family decides to purchase.

The payment standard for subsequent years will be based on the higher of the payment standard in effect at commencement of the homeownership assistance or the payment standard in effect at the family's most recent annual re-examination. The payment standard amount may not be lower than what the payment standard amount was at commencement of homeownership assistance. The initial payment standard will not be adjusted if there is a subsequent change in family size.

Homeownership expenses include the following:

- Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;
- Real estate taxes and public assessments on the home;
- Home insurance;
- Reasonable allowance for maintenance expenses based on PCHA review of expenses incurred by homes of similar size and age;
- Reasonable allowance for costs of major repairs and replacements based on PCHA review of local costs of a similar nature;
- The PHA utility allowance for the home as established based on local utility usage for similar size and age of home;
- Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home.
- If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person
- Land lease payments (where a family does not own fee title to the real property on which the home is located; see § 982.628(b)).

### Determining the Total Family Contribution

The total family contribution is that portion of the homeownership expense that the family must pay. It is generally 30% of the family's adjusted income, plus any gap between the payment standard and the actual housing cost. All family income (including public assistance) will be counted to determine the family's adjusted monthly income for purposes of determining the amount of assistance.

### Housing Assistance Payment

The PCHA's contribution towards the family's homeowner expenses will be paid to a dedicated limited access account, unless otherwise required by the lender. The family will be responsible to submit their portion of the mortgage payment to the same account and the lender will make automatic withdrawal for the full amount.

### Down Payment Requirement

The PCHA has established the minimum down payment for purchase of a home of 3% of the sales price. The family must provide at least 1% of the down payment amount from their own resources.

## 16.4 Grounds for Termination of Section 8 Homeownership Assistance

A family's participation in the Homeownership Program may be terminated if the family fails to comply with the obligations established under the Section 8 Housing Choice Voucher Program, PCHA Homeownership Policies, or if the family defaults on its mortgage.

The family is required to provide the PCHA with written notice at least thirty (30) days prior to:

- The sale or transfer of any ownership interest in the home; or
- Any intent to vacate or move from the home.

In addition, the family must submit to PCHA:

- Annual documentation of household income and homeownership expenses;
- Copies of any mortgage default notices received; and
- Any other notices or information required under PCHA Homeownership Program or HUD regulation.

While receiving homeownership assistance, the family **may not convey or transfer ownership** of the home to any individual or entity other than an approved member of the assisted household.

### Occupancy of Home

Homeownership assistance will only be provided while the family resides in the home. If the family moves out of the home, the PCHA will not continue homeownership assistance commencing with the month after the family moves out. Neither the family nor the lender is obligated to reimburse the PCHA for homeownership assistance paid for the month the family moves out.

Homeownership assistance will not continue if the family is considered permanently absent as defined in the voucher program's administrative plan. Assistance will stop commencing at the end of the month this determination is made.

Homeownership assistance will not continue if the family member in whose name the mortgage is written, is considered permanently absent or to have vacated from the home without PCHA approval.

### Changes in Income Eligibility

A family's homeownership assistance may be changed in the month following annual recertification of the household income but participation in the Homeownership Program shall continue until such time as the assistance payment amounts to \$0 for a period of six consecutive months.

Families are required to report all changes in family composition to the PCHA within ten (10) business days of the occurrence.

An interim re-examination will be conducted if a household member is leaving or has left the family unit.

### Maximum Term of Homeownership Assistance

A family may receive homeownership assistance for no longer than ten (10) years from the date of

close of escrow unless the initial mortgage incurred to finance the purchase of the home has a term that is twenty (20) years or longer, in which case the maximum term is fifteen (15) years. Families that qualify as elderly at the time of commencement of homeownership assistance are not subject to a maximum term limitation. In addition, families that qualify as disabled families at the commencement of homeownership assistance or at any time during the provision of homeownership assistance are not subject to a maximum term limitation.

If a disabled or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date that homeownership assistance commenced. However, the family shall be eligible for at least six (6) additional months of homeownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during the period homeownership assistance payments are made or is a spouse of any member of the household who has an ownership interest.

Family Type	Mortgage Term	Maximum Assistance Term	Exceptions / Notes
<b>Non-Elderly, Non-Disabled Families</b>	Less than <b>20 years</b>	<b>10 years</b>	Time counted from the date of <b>close of escrow</b>
<b>Non-Elderly, Non-Disabled Families</b>	<b>20 years or longer</b>	<b>15 years</b>	Time counted from the date of <b>close of escrow</b>
<b>Elderly Families</b>	Any term	<b>No maximum term</b>	Must qualify as <b>elderly</b> at commencement of assistance
<b>Disabled Families</b>	Any term	<b>No maximum term</b>	Applies if the family qualifies as <b>disabled</b> at the start or any time during assistance
<b>Families that cease to qualify as elderly or disabled</b>	Based on original mortgage term	Appropriate <b>10- or 15-year limit</b> applies from the <b>original start date</b>	Family remains eligible for at least <b>6 additional months</b> of assistance after the limit applies
<b>Any household member with ownership interest</b>	—	Time limit applies	Applies to any member who has <b>ownership interest</b> during the assistance period

## 16.5 Procedure for Termination of Homeownership Assistance

A participant in the Homeownership Program shall be entitled to the same termination notice and informal hearing procedures as set forth in the administrative plan of the Voucher program.

### Continued Participation in Section 8 Housing Choice Voucher Program

If the family defaults on an FHA-insured mortgage, the PCHA may permit the family to move with continued Section 8 housing choice voucher rental assistance if the family demonstrates that it has conveyed title to the home to HUD or its designee, as required by HUD, and moved from the home within the period established or approved by HUD.

If the family defaults on a mortgage that is not FHA-insured, the PCHA may permit the family to move with continued Section 8 housing choice voucher rental assistance if the family demonstrates that it has conveyed title to the home to the lender, to the PCHA or its designee, as may be permitted or required by the lender, and moved from the home within the period established or approved by the lender and/or the PCHA.



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# CHAPTER 17 - Rental Assistance Demonstration (RAD) Project Based Voucher Conversions

Link: PIH Notice 2018-11; PIH Notice 2016-17; RAD Statute

## 17.1 Overview

Public housing units converting to assistance under Rental Assistance Demonstration (RAD) long-term Project Based Voucher (PBV) contracts are no longer subject to the public housing program rules. The former public housing units which become PBV units are subject to the rules of the Section 8 program, as modified by rules specific to RAD converted units. These specific RAD related rules apply important provisions of the public housing rules to the RAD converted units, even though they would not normally be applicable in the HCV context.

PCHA anticipates converting public housing units to PBV units using RAD conversions. Upon conversion to PBV, the PCHA will adopt the resident rights, participation, waiting list and grievance procedures applicable to the RAD PBV units. The units converted to PBV under the RAD program will be operated consistent with PCHA's PBV program rules referenced in this Administrative Plan to the extent not specifically required to operate in a different manner by the regulatory and statutory requirements of the RAD PBV program referenced above.

## 17.2 Resident Rights

### No Re-screening of Tenants upon Conversion

Pursuant to the RAD statute, at conversion current households are not subject to rescreening, income eligibility, or income targeting provisions. Current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

A unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Once that remaining household moves out, the unit must be leased to an eligible family.

### Right to Return

Any residents that need to be temporarily relocated due to rehabilitation or construction have a right to return to an assisted unit at the site once rehabilitation or construction is completed. If transferred, residents of the converting site have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.

Residents of a site undergoing RAD conversion may voluntarily accept PCHA's offer to permanently relocate to another assisted unit, and thereby waive their right to return to the site after rehabilitation or construction is completed.

### Renewal of Lease

Under RAD, the PCHA must renew all leases upon lease expiration, unless cause exists. This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum.

### Phase-in of Tenant Rent Increases

The PCHA has established a policy setting the length of the phase in period at three years. If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 solely as a result of RAD conversion, the rent increase will be phased in over 3 years.

The below method explains the percentage-based phase-in the PCHA will follow. For purposes of this section "standard TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058.

#### Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second Annual Recertification (AR) after conversion – 33% of difference between most recently paid TTP and the standard TTP
- Year 2: Year 2 AR and any Interim Recertification (IR) prior to Year 3AR – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and all subsequent re-certifications – Full standard TTP Five Year Phase in: In the three year phase-in, once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

### Family Self-Sufficiency

Current FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and PCHA is allowed to use any remaining Public Housing FSS funds to serve those FSS participants who live in units converted by RAD.

### Choice-Mobility

PCHA provides a Choice-Mobility option to residents of RAD projects based on the following:

- Resident Eligibility: Project based voucher Residents have a right to move with tenantbased rental assistance 12 months after the move-in date, subject to the availability of tenant-based vouchers. Households must submit a written request after the 12-month period has expired if they wish to be issued a tenant-based voucher and provide written 30 day notice to move to the owner and PCHA. Households requesting tenant-based vouchers will be reviewed and if the required 12-month PBV period has occurred and proper move out notice given, will be moved to the top of the HCV waiting list based on the date and time of their written request and required documents (move notice).
- If a resident is already a resident of the covered project at the time of conversion to PBV, the resident may request a tenant- based voucher after 12 months of PBV assistance, subject to the availability of tenant-based vouchers. When requests for tenant- based vouchers are made after 12 months of PBV residency, residents must submit a written request for a tenant-based voucher (and written move notice) which will be reviewed and if the required 12-month PBV period has occurred, will be moved to the top of the HCV waiting list based on date and time of written request.

## Resident Participation and Funding

Residents of RAD projects converting to PBVs have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and are eligible for resident participation funding.

### 17.3 Waiting List

Link: 24 CFR 903.7(b)(2)(ii)-(iv)

The PCHA will establish PBV site-based waiting lists for properties converted through RAD. PCHA will ensure that applicants on PCHA's public housing and HCV waiting lists are offered placement on the RAD project's initial site-based waiting lists. Applicants from the PH and/or HCV waiting lists will be placed on the new PBV site based waiting list(s) based on the date and time of their original application to the PH and/or HCV program.

### 17.4 Earned Income Disregard (EID)

Link: 24 CFR 5.617

Tenants who are employed and are currently receiving the EID exclusion at the time of RAD conversion will continue to receive the EID after conversion. Upon the expiration of the EID, the rent adjustment will not be subject to rent phase-in. The rent will automatically increase to the appropriate rent level based upon tenant income at that time.

Under the HCV program, the EID exclusion is limited to only persons with disabilities. However, that requirement is not in the public housing program, i.e. the units prior to conversion to RAD. To allow all RAD public housing conversion tenants who are employed and currently receiving the EID at the time of conversion to continue to benefit from EID in the PBV project, the provision limiting EID to only disabled persons is waived. The waiver only applies to public housing tenants receiving the EID at the time of RAD conversion to PBV.

### 17.5 Termination Notification

Link: 24 CFR 5.617

The termination procedure for RAD conversions to PBV will require PCHA provide adequate written notice of termination of the lease which will not be less than:

- A reasonable period of time, but not to exceed 60 days;
- If the health or safety of other tenants, PCHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
- In the event of any drug-related or violent criminal activity or any felony conviction; 14 days in the case of nonpayment of rent; and 60 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period will apply.

### 14.6 Grievance Process

Link: 24 CFR 982.555(a)(1)(I)-(iv)

For RAD converted PBV units, the additional RAD program rules apply:

- An opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to an PCHA (as owner) action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
- For any hearing for participants, the contract administrator will perform the hearing.
- For any additional hearings required under RAD, PCHA (as owner) will perform the hearing.

An informal hearing will not be required for class grievances or to disputes between residents not involving the PCHA (as owner) or contract administrator.

PCHA (as owner) will provide opportunity for an informal hearing before an eviction. Notice and other informal hearing policies are the same as stated in this Administrative Plan for the HCV program.



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## Appendix A: Excluded Income

Category	Exclusion	CFR	Description
Other	Federally Mandated Income Exclusions	24 CFR 5.609(b)(22)	Amounts that must be excluded by federal statute. HUD will publish a Federal Register notice that includes the qualifying benefits.
Assets	Imputed Income from Assets	24 CFR 5.609(b)(1)	Any imputed return on an asset when net family assets total \$50,000 (adjusted annually) or less and no actual income from the net family assets can be determined.
Non-recurring income	Non-recurring income	24 CFR 5.609(b)(24)	Income that will not be repeated in the coming year based on information provided by the family.
Self-employment	Gross Self-employment Income	24 CFR 5.609(b)(28)	Gross income received through self-employment or operation of a business
Dependents	Minors (children under the age of 18 years)	24 CFR 5.609(b)(3)	All earned income of all children under the age of 18, including foster children.
Dependents	Adoption assistance payments	24 CFR 5.609(b)(15)	Adoption assistance payments for a child in excess of the amount of the dependent deduction.
Students	Earned Income of Dependent Students	24 CFR 5.609(b)(14)	Earned income of dependent full-time students in excess of the amount of the dependent deduction.
Students	Title IV HEA Assistance	24 CFR 5.609(b)(9)(i)	Any assistance that Section 479B of the Higher Education Act (HEA) of 1965, as amended, requires to be excluded from a family's income.
Students	Other Student Financial Assistance	24 CFR 5.609(b)(9)(ii)	Student financial assistance, not excluded under the HEA, for actual covered costs of higher education.
Students	Educational Savings Account	24 CFR 5.609(b)(10)	Income and distributions from any Coverdell educational savings account or any qualified tuition program under IRS section 530 or any qualified tuition program under section 529.
Baby bonds	Baby bonds	24 CFR 5.609(b)(10)	Income earned by government contributions to, or distributions from, 'baby bond' accounts created, authorized or funded by federal, state or local government.
Foster children / adults	Payments for Foster Children / Adults	24 CFR 5.609(b)(4)	Payments received for the care of foster children or adults, including State kinship, guardianship care payments, or tribal kinship payments.
Foster children / adults	Income of foster children / adults	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult as defined in 24 CFR 5.403 and 5.603.
Live-in Aide	Income of a Live-in Aide	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult.
People with Disabilities	ABLE accounts	24 CFR 5.609(b)(22)	Will be included in federally mandated excluded amounts. Notice PIH 2019-09/H-2019-06 details when ABLE account income is excluded.
People with Disabilities	State Payments to Allow Individuals with Disabilities to Live at Home	24 CFR 5.609(b)(19)	Payment made by an authorized by a state Medicaid managed care system or other state agency to a family to enable a family member to live in the family's assisted unit.
People with Disabilities	Plan to Attain Self-Sufficiency (PASS)	24 CFR 5.609(b)(12)(i)	Amounts set aside for use under a Plan to Attain Self-Sufficiency (PASS).
People with Disabilities	Reimbursements for Health and Medical Care Expenses	24 CFR 5.609(b)(6)	Amounts for, or in reimbursement of, health and medical care expenses for any family member.

(continued)

Category	Exclusion	CFR	Description
Trusts	Trust distributions	24 CFR 5.609(b)(2)	Any distributions of a trust's principal are excluded. PHAs and owners must count any distributions of income from an irrevocable trust or a trust not under the control of the family (e.g., distributions of earned interest) as income to the family with the expectation of distributions used to pay the health and medical care expenses of a minor.
Insurance	Insurance payments and settlements for personal or property loss	24 CFR 5.609(b)(5)	Insurance payments and settlements for personal or property loss including, but not limited to: payments through health insurance, motor vehicle insurance, and workers' compensation.
Retirement	Retirement plan	24 CFR 5.609(b)(26)	Income received from any account under an IRS-recognized retirement plan. However, periodic payments are income at the time of receipt.
Military	Hostile fire special payment	24 CFR 5.609(b)(11)	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
Veterans	Veterans aid and attendance payments	24 CFR 5.609(b)(17)	Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
Lawsuits	Lawsuit Settlements	24 CFR 5.609(b)(7)	Amounts recovered in a civil action or settlement based on malpractice, negligence and other breach of duty claim resulting in a family member becoming disabled.
Lawsuits	Reparations for Persecution	24 CFR 5.609(b)(13)	Reparation payments paid by a foreign government for claims by people persecuted during the Nazi era.
Lawsuits	Tribal Claims Payments	24 CFR 5.609(b)(21)	Payments received by tribal members from claims relating to the mismanagement of assets held in trust by the United States.
Lawsuits	Lawsuits related to civil rights	24 CFR 5.609(b)(25)	Civil rights settlements or judgments, including settlements or judgments for back pay.
Reimbursements	Reimbursements from publicly assisted programs	24 CFR 5.609(b)(12)(ii)	Amounts received by a participant in other publicly assisted programs for or in reimbursement of expenses to allow program participation (e.g., special equipment, clothing, transportation, child care, etc.).
Resident Services Stipend	Resident Services Stipend	24 CFR 5.609(b)(12)(iii)	Resident service stipends of \$200 or less per month for performing a part-time service for the PHA that enhances the quality of life in the development.
Employment training programs	Employment training programs	24 CFR 5.609(b)(12)(iv)	Incremental earnings and benefits from training programs HUD and qualifying employment training programs and training of a family member as resident management staff.
FSS	Family Self Sufficiency Account	24 CFR 5.609(b)(27)	Income earned on amounts placed in a family's FSS account.
Housing gap payments	Housing "gap" payments	24 CFR 5.609(b)(23)	Replacement housing "gap" payments to offset increased rent and utility costs to families displaced from one federally subsidized housing unit and another.
Benefits	Deferred Supplemental Security Income, SS income and benefits, or VA disability benefits	24 CFR 5.609(b)(16)	Deferred periodic amounts from: SSI, Supplemental Security Income and benefits or VA disability benefits that are received in a lump sum or prospective monthly amounts.
Property tax rebates	Property Tax Rebates	24 CFR 5.609(b)(18)	Refunds or rebates under state or local law for property taxes paid on the dwelling unit.
Loans	Loan Proceeds	24 CFR 5.609(b)(20)	The net amount disbursed by a lender to a borrower or a third party (e.g., educational institution or car dealership).

## Appendix B: Excluded Assets from Net Family Assets

Category	Excluded Asset	Example(s)	Notes
Personal property	Necessary items of personal property	Medical devices, vehicle for commute	Determining what is a "necessary item" for personal property is a highly fact-specific determination. Additional guidance is forthcoming from HUD.
Personal property	Non-necessary items of personal property if the combined total value does not exceed \$50,000*	Vintage baseball cards, recreational boat, coin collection, art so long as the <i>total</i> value is under the limit	This matches the value of assets that can be self-certified by the family.
Savings account	Retirement account recognized by IRS	IRA, 401(k), 401(b) and retirement plans for self-employed individuals	
Real property	Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located	Property subject to a lawsuit may be legally restricted from sale.	Such property does not count against the dollar amount limit or the real property limitation
Cash	Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability	A drunk driver injures a family member, who then has a disability. The family sues, and the driver's insurance pays the family.	
Savings account	The value of certain education or disability support savings accounts	Under Internal Revenue Code sections 529, 529A, 530, "baby bond" accounts	Coverdell accounts, tuition programs, any "baby bond" account created, authorized, or funded by Federal, state, or local government
Real property	Interest in Indian trust land	Family has interest in land held in trust by Bureau of Indian Affairs	Existing exclusion
Real property	Equity in a manufactured home where the family receives assistance under 24 CFR 982	HCV Manufactured Home Space Rental participants	
Real property	Equity in property where the family receives assistance under 24 CFR 982	HCV homeownership participant	For real property other than manufactured homes
Savings account	Family Self-Sufficiency (FSS) accounts		The family does not have access to FSS funds during their participation in the program. Also excluded from income.
Cash	Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family	Earned Income Tax Credits (EITC)	
Trust Funds	Trust that is not revocable by, or under the control of, any member of the family or household	Non-revocable trust fund; trust fund revocable once minor child reaches age 21	As long as a trust meets this definition, it is not an asset of the family