

Housing Choice Voucher Administrative Plan

City of Tempe

Community Health and Human Services
Department



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CHAPTER 1- Program Authority and Objectives

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

The Section 8 Housing Choice Voucher Program was enacted by the Housing and Community Development Act of 1974 and is funded through and monitored by the United States Department of Housing and Urban Development (HUD). The Section 8 Housing Choice Voucher Program for the City of Tempe is administered by the City of Tempe Community Health and Human Services Department's Housing Services ("Tempe Housing Authority" or "THA"). Through its assisted housing programs, eligible families are provided the opportunity to obtain decent, safe, and sanitary housing.

Administration of THA's Housing Programs and the functions and responsibilities of THA staff comply with THA'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 THA Mission

The City of Tempe's mission is to provide safe, decent and sanitary housing conditions for very low-income families and to manage resources efficiently. The PHA's mission is to promote personal, economic and social upward mobility to provide families the opportunity to make the transition from subsidized to non-subsidized housing.

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 THA. The Plan covers both admission to and continued participation in the Tenant Based and Project Based 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](#)

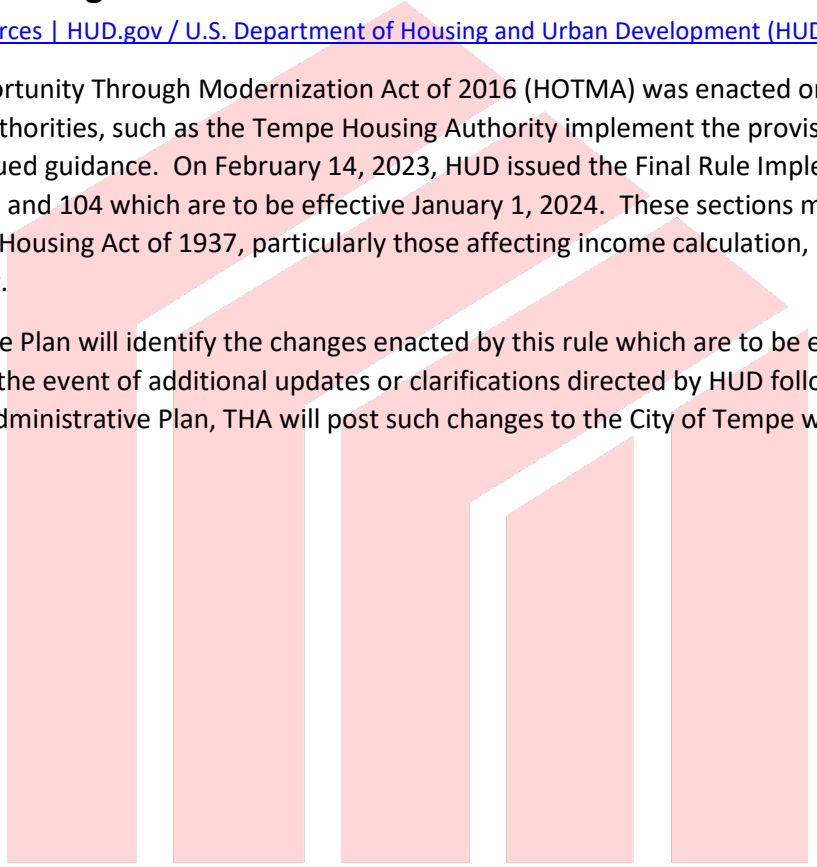
Expenditures from the administrative fee reserve, also known as the unrestricted net position, will be made in accordance with all applicable Federal requirements.

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 Tempe Housing Authority 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 are to be effective January 1, 2024. These sections make changes to the United States Housing Act of 1937, particularly those affecting income calculation, reviews, and program eligibility.

This Administrative Plan will identify the changes enacted by this rule which are to be effective per HUD requirements. In the event of additional updates or clarifications directed by HUD following the approval of this Administrative Plan, THA will post such changes to the City of Tempe website.



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CHAPTER 2 - General Administrative Provisions and Policies

2.1 Confidentiality and Privacy Policy

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

It is the policy of THA to guard the privacy of applicants and families and ensure the protection of records in accordance with the Privacy Act of 1974. THA 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 THA's ability to collect such information as it may need to determine eligibility, compute housing assistance, and does not prohibit the THA 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 THA staff. THA 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 THA will keep all documents related to a family's eligibility, tenancy, and termination in accordance with HUD, State of Arizona and the City of Tempe requirements.

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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](#)

THA 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.

In addition, the City of Tempe, under Title VI of the Civil Rights Act of 1964 and related statutes, must ensure that no person in the City of Tempe shall, on the grounds of race, color, national origin, sex, disability and age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any federally funded program or activity it administers. Additional protections are provided by Tempe City Code, Chapter 2, Article VIII – Anti Discrimination Ordinance.

THA 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, THA will also assist with how to fill out and file a housing discrimination complaint.

3.2 Complying with Civil Rights Laws

It is the policy of the THA to 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 on the basis of race, color, religion, national origin or sex
- [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

THA’s housing programs are open to all eligible individuals regardless of sexual orientation, gender identity or marital status. THA 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. However, the THA may inquire about a person’s sex to determine the number of bedrooms a household may be eligible for under the occupancy standards or to accurately complete HUD’s 50058. The THA 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 THA either orally or in writing. Notifications made orally will be documented in writing by THA staff including complaint description, applicant/ family name, date, and THA staff taking complaint. THA will make every reasonable attempt to determine whether the applicant’s or family’s assertions have merit and take any warranted corrective action. The THA will attempt to remedy discrimination complaints made against the THA through the existing informal review, informal hearing, or other reconsideration. In addition to internal procedures to remedy allegations of discrimination, the THA 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).

San Francisco Regional Office of FHEO U.S. Department of Housing and Urban Development
 One Samsome Street, Suite 1200
 San Francisco, CA 94104
 (415) 489-6524 / (800) 347-3739 / TTY (415) 436-6594

Citizens may file housing discrimination complaints directly with HUD at the address listed above or with the Arizona Attorney General’s Civil Rights Division by calling (602) 542-5263 or emailing civilrightsinfo@azag.gov.

3.3 Owner Nondiscrimination Requirements

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

The THA requires owners to comply with all applicable laws and statutes. In agreeing to participate in THA’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 THA and HUD in conducting equal opportunity compliance reviews and investigations



THA 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

Link: [24 982.102](#)

The THA 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, THA will provide to HCV families through available materials and electronic resources information about the opportunity to rent in a broad range of neighborhoods including:

- Information on general locations and characteristics of neighborhoods including shopping centers, bus lines, etc.
- A listing of available rental property. The list, updated monthly, states address, amenities, deposit information, etc. as provided by owners
- A list of properties/owners who accept HCV
- A map that identifies areas within the Tempe that are areas of low poverty and minority concentrations
- A listing service of available rental property and owners
- A description of portability provisions available in the Housing Choice Voucher program
- Other information as required

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

THA will monitor the characteristics of the population being served and the characteristics of the population in THA'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](#)

THA 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 to 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. THA provides program information and printed materials to local realtors, agents, apartment associations and any interested



landlords. THA 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 THA 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. THA 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.

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

Given very limited resources THA will not develop a written LEP plan but will consider alternative ways to communicate and provide meaningful access. Every year the need for a LEP Plan will be reviewed and a Plan created if needed. The review will assess whether there have been any significant changes in the composition or language needs of the LEP population. The THA will analyze the various kinds of contacts it has with the public to assess language needs and decide what reasonable steps should be taken if the costs imposed do not substantially exceed the benefits.

If in the future THA determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) developing, monitoring and updating the LEP plan as needed.

3.6.1 LEP Options

- THA will inform applicants and families of language assistance services
- The THA will utilize a language line for telephone interpreter services
- Where feasible, the THA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents. Where feasible and possible, the THA 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 THA. The interpreter may be an adult family member or adult friend
- THA 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

THA HCV Administrative Plan
Quadel Consulting and Training, LLC Proprietary Document



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.

THA will ask all applicants and families if they require any type of accommodations, 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 THA contact person for requests for accommodation for persons with disabilities.

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

If a person with a disability requests an accommodation to an existing rule, policy, practice, or service in order to fully access and utilize the THA's housing programs and related services, the THA will verify and evaluate the request. The THA will approve a request for an 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 the accommodation
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the THA, or fundamentally alter the nature of the THA's HCV operations (including the obligation to comply with HUD requirements and regulations)

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the THA 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 making a determination whether to approve the request, the THA may enter into 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 THA may verify the need for the requested accommodation.

If the THA 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 THA's operations), the THA 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.

3.7.1 Legal Authority

This Policy is in compliance with the statutory THA 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](#); an
- [24 C.F. R. Parts 8](#)

3.7.2 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 their ability to live independently
 - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions
 - 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
- Means “individual with handicaps”, as defined in § [8.3](#) of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities

3.7.3 Examples of Reasonable Accommodations

- Allowing a larger unit size
- Allowing a larger utility allowance, due to increased usage for medical appliance
- Allowing a live-in aide, with the owner’s approval
- Allowing a service animal, 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 THA
- Permitting an outside agency or family member to assist in 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 THA will approve a live-in aide if needed for families with an elderly member, 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 persons or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons



- Is not obligated for the support of the persons, and
- 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 of 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 THA verification and approval. The Live-In Aide must pass the THA criminal background screening. For continued approval, the family must submit a new, written request, subject to the THA 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
Would not be living in the unit except to provide the necessary supportive services.

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

- Would cause the current unit to become overcrowded according to THA 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 persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication is available at the THA 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](#)



This policy is applicable to all federally subsidized housing administered by THA. THA will not discriminate against an applicant or family on the basis of 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 violence, dating violence, sexual assault or stalking.

The THA 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, THA 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.

3.10.1 VAWA - Notification of Rights

The THA will enclose in each application packet a notice advising applicants of their rights under VAWA. The THA 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).

3.10.2 VAWA - Confidentiality

All VAWA information provided to the THA, 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, THA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

3.10.3 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 THA 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. THA 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
 - 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
- 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 THA, a statement or other evidence provided by the applicant or tenant.

3.10.4 VAWA Lease Bifurcation

The THA may request the owner to bifurcate a family’s lease and terminate the tenancy of the culpable family member if the THA 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 THA will consider all credible evidence, including, but not limited to, a signed certification or other documentation of abuse submitted to the THA by the victim.

If the THA 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 THA VAWA Procedure. If necessary, the THA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the THA may refer the remaining family members to a victim service provider or other agency with shelter facilities.

3.10.5 Limitation On VAWA Protection

VAWA does not limit THA’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 THA does not subject the victim to a more demanding standard than the standard to which it



holds other tenants.

VAWA does not limit THA's authority to terminate the tenancy of any participant if THA 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, THA 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 THA'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 a court proceeding.



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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](#)

THA is responsible for establishing an application and selection process that treats applicants fairly and consistently and provides an effective method for determining eligibility. THA 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 wait 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 THA will announce the opening of the waiting list at least 10 calendar days prior to the date applications will first be accepted. The closing date will be announced at the same time of the opening. If the list is only being reopened for certain categories of families, this information will be contained in the notice. THA will advertise through a wide variety of sources including local newspapers, THA's website ([Housing Services | City of Tempe, AZ](#)), 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 THA will specify the application selection method in the outreach material and on the THA web site.

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

- The dates the list will be open
- The means by which applications will be taken (telephone; electronic; other)
- Eligibility guidelines
- Preferences and methodology for the selection of applicants; and
- 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 THA may only accept applications from any family claiming preference(s). When the HCV waiting list is open, THA will offer all applicants the opportunity to apply to on other THA waiting lists, if open. THA does not charge any fee for any part of the HCV pre-application or application process.



Accommodations will be made for interested, disabled applicants. In the event that on-line applications are utilized and an applicant needs assistance completing or submitting the on-line application, assistance may be provided over the phone or via other means as identified by THA.

Only those pre-applications received by the due date as indicated by a postmark or other appropriate electronic submission verification tool during the time-period specified by THA will be accepted as eligible 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 THA's designated locations.

An applicant is deemed preliminarily ineligible and not placed on the THA 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 required information.

4.3 Maintaining the Waiting List

The THA will not merge the housing choice voucher waiting list with the waiting list for any other program the THA operates.

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

- Name and address of head of household
- Number of family members, appropriate bedroom size
- Racial / Ethnicity information for the head of household
- Social security number (head of household and all adult members)
 - Alternate ID in the instances of non-eligible non-citizens
- Amount and source of annual income
- Date and time of application / 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 THA 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 postmarked or received by the THA not later than the specified date provided in THA'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 (or longer if demonstrated inability to respond sooner):



- The applicant provides evidence that a change of address / email was submitted to THA prior to the update notice being issued by THA
- 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 THA data entry error, the applicant address was THA incorrectly recorded THA
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by THA, and the applicant informed THA, in advance, of the proper means of communication, as required by regulations

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

Notices will be made available in accessible format upon the request of a person with a disability. An extension to reply to the update notification will be considered as a 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 THA 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 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 Aides and spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list. THA 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. Preferences are cumulative (each criteria may be added on to for a higher placement). An admission preference does not guarantee admission. Every applicant must still meet THA's Selection Criteria before being offered a voucher. THA has the following HCV preferences:

- Individuals/families who are currently living and/or working in the City of Tempe. (200 points)
 - Individuals/families currently homeless or at risk of homelessness receiving services in the City of Tempe
- Families ending participation under THA special housing programs (FUP, TBRA) due to term limitations or no longer requiring the services offered under such program who otherwise meet THA program eligibility requirements. (200 points)
- Elderly and/or Disabled Families as defined by HUD (150 points)
- Non-elderly persons with disabilities who are (Mainstream Vouchers):
 - Transitioning out of institutional or other segregated settings
 - At serious risk of institutionalization
 - Currently experiencing homelessness
 - Previously experienced homelessness and currently a client in a permanent supportive housing or rapid rehousing project
 - At risk of experiencing homelessness

The City of Tempe Housing Services operates tenant based rental assistance programs which serve special populations, special needs or which were designed for special purposes (see [24 CFR 92.209](#)). For these populations and programs, preference will be given to applicants that 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 City of Tempe (i.e. Homeless and Domestic Violence) in accordance with program regulations.

When adopting a *new preference*, THA will notify all applicants on the current waiting list to determine if any are eligible under the preference ([24 CFR §5.655\(c\)](#)). THA will specify in a 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 THA denies the preference, THA 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 THA 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.

Once the list of all applicants has been created, families will be selected for the waiting list based upon a computerized random selection process. The waiting list will consist of the pre-determined number of families to be selected, in numeric order based upon the random selection sequence of their pre-applications. Families will be selected from the waiting list in numeric order, based on a family's assigned sequential number with consideration provided for eligible preference/s. When a family is selected from the waiting list, the family will be required to submit a full application and documentation to determine eligibility prior to housing assistance becoming available.

4.8 Assistance Targeted by HUD

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

THA 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. THA will maintain records showing that the family was admitted with HUD-targeted assistance.

THA administers the following targeted programs:

- HUD-VASH program
- Mainstream Housing Choice Voucher program
- Family Unification Program
- Emergency Housing Voucher 1
- Stability Voucher(application)

The THA administers a Project Based Voucher (PBV) program. Administration of the PBV program is contingent on the PHA's HCV's budget authority. The THA also administers a Tenant Based Rental Assistance Program through the HOME Investment Program. The TBRA program operating plan addresses the operation and guidelines of the program and is set forth in Chapter 14 of this Administrative Plan.

¹ See Chapter XXX for specific policies applicable to both the Emergency Voucher and Stability Voucher programs.



The THA may participate in additional programs which serve special populations, special needs or which were designed for special purposes. For these populations and programs, preference will be given to applicants that 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 City of Tempe in accordance with program regulations.

4.9 Continuously Assisted Families

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

THA 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 THA.

4.10 Relocation of Witnesses and Victims of Crime

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

THA will provide Housing Choice Voucher assistance for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing. The THA 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 Income Targeting Policy

Link: [24 CFR 982.201](#)

The THA will monitor progress in meeting the Extremely Low Income (ELI) requirement throughout the fiscal year. Extremely Low-Income families are defined as families whose incomes do not exceed the higher of: Federal Poverty Level or 30 percent of Area Median Income. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met. Under limited circumstances, HUD rules allow admission of low-income families. THA If an applicant on the waiting list is skipped over, they will retain their original sequential number placement and be the first applicant offered an opportunity for assistance after the extremely low-income targeting requirement has been met.

4.12 Selection from the Waiting List Notification

THA will notify the family in writing when it is selected from the waiting list. Notification may be provided through email if an email address has been provided. The notice will include the documents to be completed to determine eligibility for the program. These documents must be completed and submitted by the applicant within the time specified. Applications will be processed based on first complete packet received by the THA.



If a notification is returned as non-deliverable, or not returned within the specified time the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents THA from making an eligibility determination; therefore, no informal review will be offered.

If the family is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless verification of the following is received within 30 calendar days from the response due date (or longer period if demonstrated inability to respond):

- The applicant provides evidence that a change of address / email was submitted to THA prior to the update notice being issued by THA
- 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 THA data entry error, the applicant address was THA incorrectly recorded THA
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by THA, and the applicant informed THA, in advance, of the proper means of communication, as required by regulations.

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

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Chapter 5-Initial and Continuing Eligibility

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

5.1 Qualifications for Admission

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

- Are a family as defined by HUD and THA.
- Qualify on the basis of citizenship or the eligible immigrant status of family members. Link [24 CFR Part 5, Subpart E](#)
- Provide documentation of 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](#)
- Consent to THA's collection and use of family information as provided for in THA consent forms.

5.1.1 Income Eligibility

Links: [24 CFR 982.201\(b\)](#); [982.4](#); [248.101](#) & [173](#); [HOTMA Section 104](#)

For admission to the Housing Choice Voucher Program, an applicant must be income eligible in the area where the family initially leases a unit with housing assistance. An applicant porting into Tempe must be eligible in Tempe. An applicant porting out of Tempe must be income eligible in the area where the family leases an assisted unit.

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

5.1.2 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 THA 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.

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 THA within 90 calendar days from the date of admission into the program.

The THA will grant an extension of one additional 90-day period if the THA 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 THA must follow the provisions of [§ 5.218](#).

5.1.3 Citizenship Requirements

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

THA 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 THA 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. Family as defined by HUD includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A single person, who may be an elderly person, displaced person, or any other single person
- A group of persons residing together, and such group includes, but is not limited to:
 - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size but are not considered family members for determining income limit.
 - Child (minor) relationship is determined only by: birth, adoption, a court order establishing custody, or a legal order from the social service agency, (i.e. Child Protective Services, DES, etc.).
 - An elderly family;
 - A disabled family;
 - A displaced family; and
 - The remaining member of a participant family.



For categorizing family as defined above, the terms disabled family and elderly family are:

- Disabled family means a family whose head (including co-head), spouse or sole member is a person with a disability.
- Elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.

A family may have a spouse or co-head but not both. The co-head is an individual in the household who is equally responsible for the lease with the head of household. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

A family does not include:

- A housekeeper or live-in aide
- Foster children and/or foster adults²

Live-in aide, foster adults and foster children 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 the assets of live-in aide, foster adults or foster children taken into consideration for purposes of the asset limitations for program eligibility.

Each family must identify the individuals to be included in the family at the time of application and must notify the THA if the family's composition changes within 10 business calendar days.

5.2.1 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.

5.2.2 Joint Custody

Dependents that are subject to a 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 THA will make the determination based on court orders and social service agency orders showing which family has custody.



5.2.3 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 THA will abide by the court's determination.

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

- The interest of any minor children, 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

5.2.4 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, 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, THA 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>

No assistance will be provided under section 8 of the 1937 Act to any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the [Higher Education Act of 1965 \(20 U.S.C. 1002\)](#);
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;



- Does not have a dependent child; and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

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 THA 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 THA 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 14 consecutive days or a total of 30 cumulative days during any 12-month period or THA will consider the person(s) unauthorized persons in the unit. 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 30 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 notify the THA 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 THA 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, THA will consider the following, not limited to:

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

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, THA 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 accommodations.

The applicant will be given two opportunities to provide the THA with requested documentation (the initial notification letter and one follow up letter). Failure to comply with the THA 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.

5.5.1 Eligibility Notification

The THA will notify a applicant in writing of their eligibility. If the THA determines that the applicant is ineligible, the THA will send written notification of the ineligibility 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 and Credit History Policy

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

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

The THA 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. In order 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 THA may also review criminal records if it has reason to believe that criminal activity has occurred.



5.6.1 Drug Abuse Treatment Information

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

The THA 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 THA 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 THA will require the proposed family member sign a consent form for the drug abuse treatment facility to release information.

5.7 Duplicative Assistance

Link: [24 CFR 982.352\(c\)](#)

An applicant may not receive HCV assistance while receiving housing assistance of any of the following assistance types, for the same unit or for a different unit:

- Public or Indian housing assistance
- Other Section 8 assistance (including other participant-based assistance)
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974)
- Section 101 rent supplements
- Section 236 rental assistance payments
- Participant-based assistance under the HOME Program
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration)
- Any local or State rent subsidy
- Section 202 supportive housing for the elderly
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance)
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the participant, or a rent reduction because of a tax credit.

5.8 Absences from the Unit

Link: [24 CFR 982.312](#)



5.8.1 Absent Family Member

The THA 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 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 30 consecutive days in a 12 month period of time but less than 90 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 request THA approval for the return of any adult family members that the THA has determined to be permanently absent. The individual is subject to the eligibility requirements stated in this Administrative Plan.

5.8.2 Absence of Entire Family

Notice is required when all family members will be absent from the unit for an extended period of time (greater than 30 calendar days). Families are required to give THA 30 days' notice before moving out of a unit. Absence means that no family member is residing the unit. In order to determine if the family is absent from the unit, the THA 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

The family must supply any information or certification requested by the THA 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 THA will terminate assistance. In no event is the family permitted to be absent from the unit for more than 180 consecutive days.



5.8.3 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 THA indicating that the student has established a separate household, or the participant declares that the student has established a separate household.

5.8.4 Absences Due to Placement in Foster Care

If a child has been placed in foster care, the THA 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 THA's occupancy guidelines.

5.8.5 Caretaker for a Child

If neither a parent nor a designated guardian remains in a household receiving assistance, the THA 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 THA 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 his/her 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.

5.8.6 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.

5.8.7 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

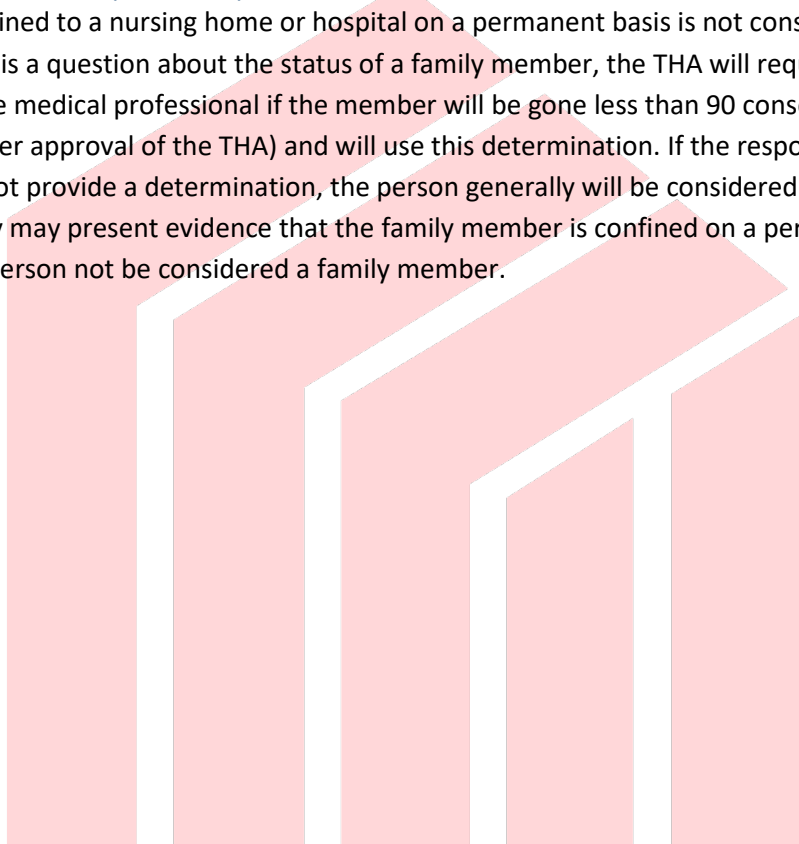


considered permanently absent if they are incarcerated for 180 consecutive days with prior notice. The rent and other charges must remain current during any period of incarceration.

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

5.8.8 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 THA 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 THA) and will use this determination. If the responsible medical professional 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.



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CHAPTER 6: Tenant Rent and Housing Assistance Payment Calculation

6.1 Definition of Income

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

THA uses HUD's definition of Annual Income. Should this definition be revised, the current HUD definition will be used.

Annual income is the total income from all sources, including net income derived from assets received by the household head and spouse (even if temporarily absent) and by each additional household member including all net income from assets for the 12 month period following the effective date of initial determination or re-certification of income, exclusive of income that is temporary, non-recurring or sporadic as defined below, or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:

- The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services
- The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the household for cash or assets invested in the business
- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness will not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the household for cash or assets invested in the property
- The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts
- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay
- All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any household member
- Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of household members
- All regular pay, special pay, and allowances of a household member in the Armed Forces



6.1.1 Alimony and Child Support

The THA will count court-awarded amounts for alimony and child support unless the THA verifies that:

- The payments are not being made and
- The participant has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments

If the amount of child support or alimony received is less than the amount awarded by the court, THA will use the amount that is received by the family. THA will accept as verification that the participant is receiving an amount less than the award if one of the following:

- THA receives verification from the agency responsible for enforcement or collection
- The family furnishes documentation of child support or alimony collection action filed through a child support enforcement collection agency
- Or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply documentation and a copy of the divorce decree. Income will be projected by averaging the most current three consecutive month's payment to project income for twelve (12) months.

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

6.1.2 Sporadic Income

Sporadic income is income that is not received regularly and cannot be reliably predicted. The THA may request, and the family must provide, to review additional bank statements, electronic deposits or other documentation to determine if there is a pattern that would indicate that a source of income is recurring.

6.1.3 Regular Contributions and Gifts

Examples of regular contributions include:

- Regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments)
- Cash or other liquid assets provided to any family member on a regular basis
- "In-kind" contributions such as groceries and clothing provided to a family on a regular basis
- Any contribution of gift received every 3 months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$100 per year

Non-monetary contributions will be valued at the cost of purchasing the items, as determined by the THA. For contributions that may vary from month to month (e.g., utility payments), the THA will include an average amount based upon history. Regular financial support from parents or guardians to students



for food, clothing personal items, and entertainment is not considered student financial assistance and is included in annual income.

6.1.4 Incremental Earnings

The THA defines incremental earnings and benefits as the difference between:

- The total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and
- The total amount of welfare assistance and earnings of the family member after enrollment in the program.

In calculating the incremental difference, the THA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the participant most recently completed HUD-50058.

6.2 Earned Income Disallowance (EID) Policy

Link: [24 CFR 5.617](#)

This disallowance applies only to disabled family members already participating in the housing choice voucher program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment.
- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program.
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months.

The baseline income is the annual income immediately prior to the implementation of the disallowance for a person who is a member of a qualified family. The family member's baseline (qualifying) income remains constant throughout the period that he/she is receiving the EID.

6.2.1 Disallowance of Earned Income

Link: [24 CFR §§5.617, 960.255](#); [PIH Notice 2016-05](#)

Initial 12-month exclusion: During the 12-month period beginning on the date on which a member of a qualified participant family is first employed or the participant first experiences an increase in annual income attributable to employment, the THA will exclude from the annual income of a qualified participant any increase in the income of the family member as a result of employment over the baseline income of that family member.



Phase-in of rent increase: Upon the expiration of the 12-month period and for the subsequent 12-month period, the THA will exclude from the annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

Maximum 2-year disallowance: The disallowance of increased income of an individual family member is limited to a lifetime 24-month period. It applies for a maximum of 12 months for disallowance (initial 12 months) and a maximum of 12 months (second 12 months), during the 24-month period starting from the initial exclusion.

Families eligible for and participating in the disallowance of earned income prior to May 9, 2016 will continue to be governed by HUD regulations in effect immediately prior to that date.

6.3 Business Income

Link: [24 CFR 5.609\(b\)\(2\)](#)

To determine business expenses that may be deducted from gross income, the THA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses (IRS Publication 535), unless a topic is addressed by HUD regulations or guidance.

6.3.1 Business Expansion

Any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations.

6.3.2 Capital Indebtedness

Capital Indebtedness is the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the THA will allow as a business expense interest, but not principal, paid on capital indebtedness.

6.3.3 Acceptable Investments

Acceptable investments in a business include cash loans and contributions of assets or equipment.

6.3.4 Co-Owned Businesses

If a business is co-owned with someone outside the family, the participant must document the share of the business it owns. If the participant's share of the income is lower than its share of ownership, the participant must document the reasons for the difference.

6.4 Assets

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



An asset is an item of value that can be converted into cash and may or may not earn income. Annual income includes income amounts derived from assets to which the family has access. Assets include, but are not limited to checking and savings accounts, investment accounts, equity in real property, personal property held as an investment, whole life insurance policies, and assets disposed of for less than fair market value.

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the participant may present information and documentation to the THA to show why the asset income determination does not represent the family's anticipated asset income.

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

6.4.1 Jointly Owned Assets

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the THA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the THA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the THA will prorate the asset evenly among all owners.

6.4.2 Disposed Assets

The THA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.00. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the participant may request an interim re-certification to eliminate consideration of the asset(s).

Assets placed by the participant in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments. All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to



qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Families must sign a declaration form at initial certification and each annual re-certification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value.

6.4.3 Checking and Savings Accounts

Families may self-certify assets under \$5,000.00. Assets will be verified by THA initially and every third year thereafter if the total household value is greater than \$5,000.

In determining the value of a checking account where assets exceed \$5,000, the THA will use the average monthly balance for the two months. In determining the value of a savings account, the THA will use the current balance. In determining the anticipated income from an interest-bearing checking or savings account, the THA will multiply the value of the account by the current rate of interest paid on the account.

6.4.4 Investments

In determining the market value of an investment account, the THA will use the value of the account on the most recent investment report. How anticipated income from an investment account will be calculated depends on whether the rate of return is known.

- For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings).
- When the anticipated rate of return is not known (e.g., stocks), the THA will calculate asset income based on the earnings for the most recent reporting period.

In the case of capital investments owned jointly with others not living in a participant's unit, a prorated share of the property's cash value will be counted as an asset unless the THA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

6.4.5 Real Property, Personal Property, Other Capital Investments

In determining the value of personal property held as an investment, the THA will use the family's estimate of the value.

For real property, THA will use the payoff amount for the mortgage to calculate equity. If the payoff amount is not available, THA will use the loan balance.



Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

6.5 Lump Sum Payments

Most lump sum amounts received by a family are not counted as income. However, payments caused by delays in processing periodic payments for unemployment or welfare assistance are included as income. In such cases where lump sum payments are considered income pursuant to 24 CFR 5.609, the THA will follow the following methodology.

6.5.1 Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

- The entire lump-sum payment will be added to the annual income at the time of the interim.
- The THA will determine the percent of the year remaining until the next annual recertification as the date of the interim (three months would be 25% of the year).
- At the next annual re-certification, the THA will apply the percentage balance (75% in this example) to the lump-sum and add it to the rest of the annual income.
- The lump-sum will be added the same way for any interims which occur prior to the next annual re-certification.

If amortizing the payment over one year will cause the family to pay more than current HUD percentage of the family's adjusted income (before the lump sum was added) for total participant payment, the THA and family may enter into a repayment agreement for the balance of the amount of the current HUD percentage calculation. The beginning date for this repayment agreement will start as soon as the one year is over.

6.5.2 Retroactive Calculation Methodology

- The THA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer
- The THA will determine the amount of income for each re-certification period, including the lump sum, and re-calculate the participant rent for each re-certification period to determine the amount due the THA
- The family has the choice of paying this retroactive amount to the THA in a lump sum. At the THA option, the THA may enter into a repayment agreement with the family
- The amount owed by the family is a collectible debt even if the family becomes unassisted



6.5.3 Attorney Fees

The family's attorney's fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

6.6 Excluded Income

Link: [24 CFR 5.609\(c\)](#)

The following are types of excluded income:

- Income from employment of children (including foster children) under the age of 18 years
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the family, who are unable to live alone);
- Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
- Income of a live-in aide, as defined [in 4 CFR §5.403](#);
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- Amounts received in the following circumstances:
 - From training programs funded by HUD
 - Amounts received by a person with a disability That are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS)
 - Amounts received by a family member in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program
 - Amounts received under a participant service stipend
 - Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as participant management staff
- Temporary, nonrecurring or sporadic income (see section 6.1.2 Sporadic income)
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of That government by persons who were persecuted during the Nazi era
- Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse)
- Adoption assistance payments in excess of \$480 per adopted child



- Deferred periodic amounts from supplemental security income and Social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs That includes assistance under any program to which the exclusions set forth in [24 CFR 5.609\(c\)](#) apply
- The portion of education grants that include tuition and required fees and other charges.

6.6.1 Excluded Periodic Payment

The THA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency.

6.6.2 Income from Training Programs

THA defines training program as: a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to:

- Classroom training in a specific occupational skill
- On-the-job training with wages subsidized by the program
- Basic education

6.7 Deductions from Income

Link: [24 CFR 5.611](#)

6.7.1 Anticipating Expenses

Generally, the THA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., childcare during school and non-school periods and cyclical medical expenses), the THA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the THA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The THA may require the family to provide documentation of payments made in the preceding year.



6.7.2 Medical and Dental Expenses

THA will use the most current IRS Publication 502, Medical and Dental Expenses, to determine the costs that qualify as medical expenses

6.7.3 Disability Assistance Expenses

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the THA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

The THA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the THA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the THA will consider, the family's justification for costs that exceed typical costs in the area.

6.7.4 Both Medical and Disability Expenses

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the THA will consider them medical expenses unless the expenses are incurred exclusively to enable a person with disabilities to work.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the THA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work. When the THA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes.



Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

6.7.5 Childcare

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: seeking work, pursuing an education or being gainfully employed.

6.7.5.1 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 THA 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 persons 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 THA will use the schedule of childcare costs from the local welfare agency. Families may present, and the THA will consider, justification for costs that exceed typical costs in the area.



6.7.5.2 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 THA.

6.7.5.3 Furthering Education

If the childcare expense being claimed is to enable a family member to further their 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.

6.7.5.4 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 of time. When more than one family member works during a given period, the THA 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.

6.8 Anticipating Income

When the THA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the THA 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. The family file will be documented with a clear record of the reason for the decision, and how the THA anticipated 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 THA to show why the historic pattern does not represent the family anticipated income.

6.9 Future Changes

If the THA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period. The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family.



In such cases the THA will calculate annual income using current circumstances and then require an interim re-certification when the change actually occurs. This requirement will be imposed even if the THA's policy on re-certifications does not require interim re-certifications for other types of changes. When family provided, third-party documents are used to anticipate annual income, they will be dated within 60 days of the documentation request.

6.10 Total Tenant Rent and HAP

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

THA 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:

- 30% of adjusted monthly income; or
- 10% of monthly income;
- Not less than the Minimum Rent of \$50

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

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6.10.1 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.

6.10.1.1 Establishment of Payment Standards

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

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

HUD has provided THA with a waiver to allow the THA to implement new payment standard at times other than at the annual recertification. THA will implement the new payment standard upon determination that a family is rent burdened (tenant portion is greater than 40% of adjusted monthly income). This waiver will only be available during the applicable period specified by HUD.

6.10.2 Utility Allowances and Utility Reimbursements

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

THA 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 THA subsidy standards
- The size of the actual unit leased by the family
- In the case of a reasonable accommodation, THA will use utility allowance for the unit size actually leased by the family

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

An allowance for family paid air conditioning will be calculated when central air-conditioning or a portable air conditioner is present in the unit.

THA 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.



The THA 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 THA will reimburse the family for a prorated share of the applicable reimbursement.

THA may make reimbursement payments retroactively or prospectively. In the event that THA chooses to make the reimbursement payments retroactively, THA 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 THA may either reimburse the family on a monthly basis or it may make prospective payments to the family, on a quarterly basis.

6.10.3 Welfare Rent

Welfare Rent does not apply.

6.11 Minimum Rent and Hardship Exemptions

Link: [24 CFR 5.630](#)

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 THA 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 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 this 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 work force

- 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 contribute to the 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 THA office. The applicant/ family must provide documentation to support the request for a hardship exemption.

- The THA will make the determination of hardship within 30 calendar days.
- The THA will require the family to repay the suspended amount within 30 calendar days of the THA's notice that a hardship exemption has not been granted. The THA will enter into a repayment agreement in accordance with the THA's repayment agreement policy.
- If the THA determines that a qualifying financial hardship is temporary, the THA 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 THA 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.



CHAPTER 7: Request for Tenancy Approval and Leasing

After families are issued a voucher, they may search for a unit within the jurisdiction of THA, or outside of THA'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 THA 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 THA 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 on the basis of race, religion, sex, color, national origin, disability, sexual orientation, gender identity or familial status.

If requested by an owner, THA 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
- Current owner name, address and phone number

THA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners. THA 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 (land)
 - The THA will also provide assistance for a family that owns a manufactured home and leases only the space.



- 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

THA may permit use of any of the following types of special housing if needed as a 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, THA 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 the property is in a corporation, the names of all parties
 - Current street mailing address, Post Office Box addresses will not be accepted
 - 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 THA 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 THA will notify the family and the owner. The owner will be given 10 business days to submit an approvable RFTA from the date of notice.



7.3.1 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.

7.3.2 Dwelling Lease

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

When the RFTA and proposed lease are submitted, the THA 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 THA 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 THA 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.
- THA 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.).

7.3.2.1 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 60 calendar days. The family must submit a Request for Tenancy Approval that is complete and a proposed lease within the 60-day period unless the THA grants an extension.

7.4.1 Voucher Extensions

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



Requests for extensions may be submitted to THA verbally or in writing prior to the expiration of the voucher term. If the request is received verbally, THA will record the request in the applicant/ family file with date of request, name of requestor, reason for request and THA staff name. The THA will automatically approve one 30-day extension upon written request from the family.

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

- It is necessary as a reasonable accommodation for a person with disabilities
- It is necessary due to reasons beyond the family's control, as determined by the THA

Following is a list of extenuating circumstances that the THA may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted:

- Serious illness or death in the family
- Other family emergency
- Obstacles due to employment
- Whether the family has already submitted requests for tenancy approval that were not approved by the THA
- Whether family size or other special circumstances make it difficult to find a suitable unit.

The maximum time limit on the voucher term (including extensions) is 120 days, except when a reasonable accommodation is granted for persons with disabilities or to find new housing when an assisted household must be divided as a result of the violence or abuse covered by VAWA.

The THA 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.

7.4.2 Voucher Suspension

The THA will suspend the term of the voucher from the date a complete Request for Tenancy Approval and proposed lease is accepted by the THA until the date the THA 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 the date the THA receives notice the RTA is cancelled by the family.

7.5 Subsidy Standards

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

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

7.5.1 Subsidy Standards Chart

Link: [24 CFR 982.402](#)



THA 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 Housing Quality Standard regulations.

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

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

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

- Single person families will be allocated a zero or one bedroom
- Head of household (with Spouse or Co-Head) will be allocated a 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 will be 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
 - The child actually physically resides in the unit with the head of household more than 50% of the time



- 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. THA will only grant increases in voucher size in cases of birth, adoption, court awarded or other legally documented custody.

THA will consider granting exceptions to the occupancy standards at the family's request if THA determines, in its sole discretion, the exception is justified by health or disability of family member or other personal circumstances. All requests for exceptions to the occupancy standards must be submitted in writing and verified by a qualified third party.

7.5.2 Exceptions to Subsidy Standards

A participating family may request a subsidy exception as a reasonable accommodation.

7.5.3 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), THA will apply the payment standard and utility allowance for the lower of:

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

7.5.4 Under-Housed and Over-Housed Families

If a unit does not meet housing inspection (HQS/NSPIRE) space standards due to an increase in family size or change in family composition, THA will issue the family a voucher to move to an appropriately sized unit. Housing inspection (HQS/NSPIRE) requirements permit a maximum of two persons per living or sleeping room in the units.

THA 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 THA, 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 THA 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.

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, THA 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 THA determines that the Request for Tenancy Approval cannot be approved for any reason the owner and the family will be notified. THA 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, THA 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\(a\)](#)



THA 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 inspection standards (HQS/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:
 - Threatens the right to peaceful enjoyment of the premises by other participants;
 - Threatens the health or safety of other participants, of employees of the THA, or of owner employees or other persons engaged in management of the housing;
 - Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
 - 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
- When HUD has informed THA 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, THA 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, THA may debar or suspend the owner from future participation in the. THA may terminate some or all contracts with the owner.

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

- Any present or former member or officer of the THA (except a participant commissioner)
- Any employee of the THA, or any contractor, subcontractor or agent of the THA, 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 THA must submit a waiver request to the appropriate HUD Field Office for determination. Any waiver request submitted by the THA 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 THA, 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, 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 THA or assistance under the HCV program for an eligible THA 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 THA, description of the nature of the investment, including disclosure/divestiture plans.

In considering whether to request a conflict of interest waiver from HUD, the THA 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 THA has requested a conflict-of-interest waiver, the THA may not execute the HAP contract until HUD has made a decision on the waiver request.



CHAPTER 8: Housing Standards and Inspections and Rent Reasonableness

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

THA 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. The THA will apply this standard, or HUD approved successor standards (NSPIRE), to housing unit inspections. All units must pass a housing 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 THA may also accept an alternate inspection from HUD-approved entities (e.g. Low Income Tax Credit; HOME) if THA can reasonably determine from the result of that inspection that the unit would meet similar standard of housing quality.

The THA may rely on an alternative inspection (an inspection conducted for another housing program) provided THA obtains the results of the alternative inspection and if HCV units are included in the population of that housing program's unit 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. THA will maintain reports for inspections conducted using an alternative inspection method for at least three years from the date of the latest inspection.

8.2 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, THA will allow the stove and/or refrigerator to be placed in the unit after the passed inspection. The THA will only execute the HAP contract following receipt of a signed certification from the family that the appliances are in the unit and working. THA may conduct a confirmatory inspection to check the appliances.

THA 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 housing inspection, the owner will be notified of the deficiencies. The owner is required to contact THA within 30 days of the initial inspection to advise the repairs have been made.

8.3 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 THA to reschedule the inspection.

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

8.4 Special Inspections

The THA will conduct a special inspection if the family, or a government official reports a condition that is life-threatening the THA will inspect the housing unit within 24 hours of when the THA received the notification. If the reported condition is not life-threatening, THA will inspect the unit within 15 calendar days of the notification. The THA may also conduct a Special inspection if there is credible evidence to consider a housing inspection or family obligation violation occurring in the property. During a special inspection, THA 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 responsible party 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 THA may elect to conduct a full inspection.

8.5 Quality Control Inspections

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

THA 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 housing inspections. An adult family member, or representative, must be present for the inspection.



8.6 Scheduling Inspections and Family Attendance

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

The family must allow the THA to inspect the unit at reasonable times with reasonable notice. The family may designate an adult, or property manager, to be present on their behalf if they cannot attend in person. 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 THA will give as much notice as possible, depending on the nature of the emergency.

8.6.1 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. THA may require the family provide documentation in support of the request. The family may only cancel and reschedule the annual inspection and/or any subsequent re-inspections once. If the family is unable to be present (or designate another adult to be present), they must reschedule the appointment so that the inspection is completed within 10 business days.

THA 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.

8.7 Emergency Inspections

If a family or government official reports a condition that is life-threatening, THA will inspect the unit within 24 hours.

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

When life-threatening conditions are identified, the THA 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 THA's notice.



When failures that are not life-threatening are identified, the THA 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 THA approved extension. The owner must contact THA 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 THA-approved extension), the owner's HAP will be abated in accordance with THA policy.

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

- The THA 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 THA may terminate the HAP contract after 60 day abated contract, however the maximum abatement will be 180 days, per HUD regulation.
 - However, if the owner completes corrections and notifies the THA before the termination date of the HAP contract, the THA 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 housing 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 advise THA 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 THA-approved extension, if applicable) the family's assistance will be terminated in accordance with THA policy.

8.8 Housing Inspection Certifications

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

At THA's sole discretion, THA will either complete a re-inspection or allow the owner to submit a Certification of Work Completed Notice. If the owner is eligible to submit a Certification of Work Completed Notice, the Certification must be submitted to THA within 28 calendar days of the failed 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.

It is the owner's responsibility to obtain the family's signature on the Certification and to submit the form to THA within 28 days of the date of the first inspection. In the event the owner is unable to secure the family's signature, the THA may contact the family to confirm that the deficiencies have been corrected. The THA may also perform Quality Control inspections of the Owner Certified corrections and, if corrections were not made, will abate the housing assistance payment back to the date following the period deficiencies were required to be completed (the first of the month following 30 days after the failed inspection).

THA 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

8.9 Extensions

Link: [24 CFR 982.404](#)

THA will not grant extensions for life-threatening conditions. For conditions that are not life-threatening, the THA may grant an exception for correcting the failed item(s), if the THA determines that an extension is appropriate. Extensions will be granted in cases where the THA 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 XX calendar days, once the weather conditions have subsided.



8.10 Life Threatening Conditions

The responsible party must correct life-threatening conditions within 24 hours of THA notification.

The following are considered life-threatening conditions:

- Natural or LP gas or fuel oil leaks
 - A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking or a strong odor is detected with potential for explosion or fire or that results in a health risk if inhaled
- Any electrical problem or condition that could result in shock or fire
 - A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed
 - A light fixture is hanging by its wires
 - A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day-to-day use of the unit
 - A receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed
 - An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses
 - A cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections
 - Any nicks, abrasions, or fraying of the insulation that exposes conducting wire
 - Exposed bare wires or electrical connections
 - Any condition that results in openings in electrical panels or electrical control device enclosures
 - Water leaking or ponding near any electrical device
- Inoperable or missing smoke detector
 - The smoke detector is missing.
 - The smoke detector does not function as it should.
- Interior air quality (inoperable or missing carbon monoxide detector, where required)
 - The carbon monoxide detector (where required) is missing.
 - The carbon monoxide detector does not function as it should.
- Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting
 - The chimney or venting system on a fuel fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gases.
 - A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside.
 - A fuel fired space heater is not properly vented or lacks available combustion air.
 - A non-vented space heater is present.
 - Safety devices on a fuel fired space heater are missing or damaged.
 - The chimney or venting system on a fuel fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged which may cause improper or dangerous venting of gases.
- Absence of a working heating system to maintain an internal temperature of 69 degrees when outside temperature is below 60 degrees Fahrenheit.



- Absence of working cooling system to maintain temperature no greater than eighty-eight degrees (88°) Fahrenheit, if cooled by evaporative cooling, or eighty-two degrees (82°) Fahrenheit, if cooled by air conditioning.
- Lack of alternative means of exit in case of fire or blocked egress
 - Any of the components that affect the function of the fire escape are missing or damaged.
 - Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency.
 - The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency.
- Deteriorated paint surfaces in a unit built before 1978 and to be occupied by a family with a child under 6 years of age
- Any other condition subsequently identified by HUD as life-threatening in a notice published in the Federal Register.

8.11 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.

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

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

8.12 Owner Responsibilities

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

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

8.12.1 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 THA, 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 THA, 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 THA so the THA may notify the public health department, if THA 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).

8.13 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 THA. Rent reasonableness determinations may be completed by THA 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

THA 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.



8.13.1 Decreases in the Fair Market Rent

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

If HUD FMRs' decrease, THA will allow families that are currently under a HAP contract to continue to use the payment standard in effect for the current lease. However, in the event that the family moves to a new unit or in the event that the owner requests a rent increase, the new or current payment standard will be applied to the voucher.

8.13.2 Methodology

The THA contracts with a third-party provider to collect and maintain data on market rents in the THA's jurisdiction for unit rent reasonableness. Information sources may include newspapers, Internet, realtors, market surveys, inquiries of owners, owner information listed on the RFTA, and other available sources. 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. Because units may be similar, but not exactly like the unit proposed for HCV assistance, the THA utilizes a simplified rent reasonableness system that compares similar units and includes and considers the HUD factors. Information is gathered on unassisted rental units in the THA market area, and each unit is rated using the THA's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Attempts will be made to localize the unit within a small jurisdiction (under a mile radius). The average will be adjusted up or down based on the estimated dollar value of the comparable items in comparison with the total database.

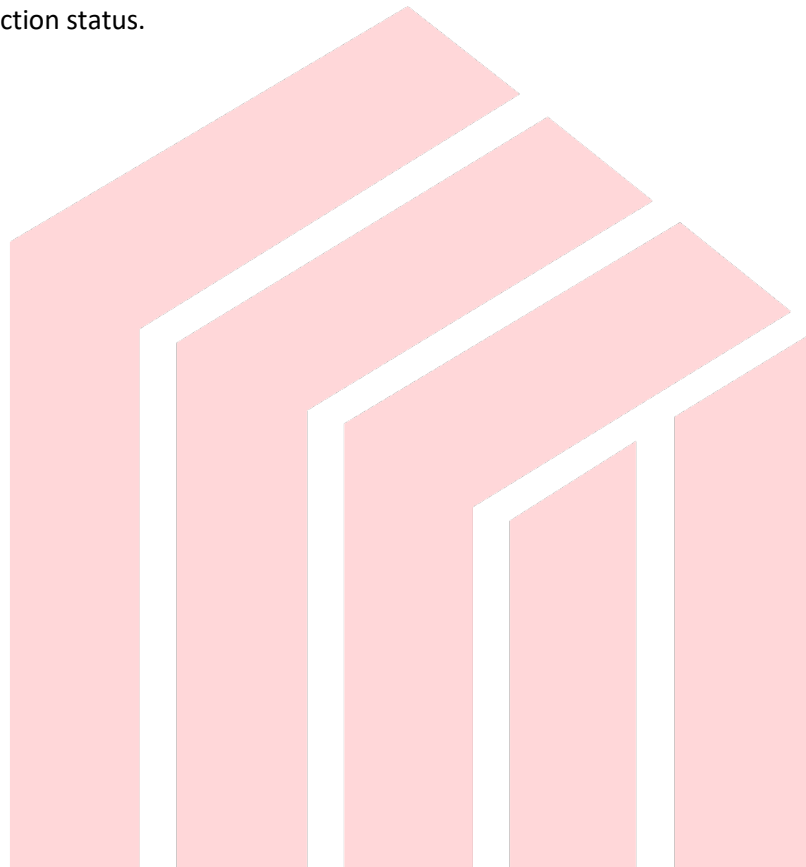
- The adjustment will reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).
- Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).
- The adjustment will reflect the rental value of the difference.
- When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of \$500/month but new participants receive the first month's rent free, the actual rent for the unit would be calculated as follows: $\$500 \times 11 \text{ months} = 5500 / 12 \text{ months} = \text{actual monthly rent of } \488 .

The THA will notify the owner of the unit's rent reasonableness amount. The owner may submit information about other comparable units in the market area within 10 business days of THA's



notification. The THA will confirm the accuracy of the information provided and consider this additional information when making final rent reasonableness 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. THA will not consider rent increase requests until after the initial occupancy period and only if the unit is not in failed inspection status.



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CHAPTER 9: Housing Assistance Payment Contract

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

THA 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, THA 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 THA for non-life-threatening deficiencies. THA is not responsible for any part of the rent prior to the date the unit passes inspection, and the HAP contract is fully executed.

THA 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 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. THA 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 THA control.

Owner payments will be placed on hold if:

- Ownership of the unit has changed
- Unit ownership is in question
- Any other reason THA 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 THA by the owner, along with a copy of the rent increase notice to the family. The owner must provide 60 days advance notice to the family and the rent increase must be requested on the THA Rent Increase Form.

If approved, the rent adjustment will be effective the first day of month on 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.

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

9.3 Unit Ownership Changes

THA 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. THA 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 his/her behalf, THA 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 his/her 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. THA will not enter into 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 THA'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 a HAP contract initiated by THA will be sent in writing to the owner and family.

Automatic termination of HAP payments result 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
- THA terminates assistance for the family
- Space requirements are not met or the unit failed inspection standards and has not been repaired in the required timeframe
- Owner violations of the HAP contract
- Family obligation violations

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

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

The owner may not terminate tenancy for the THA'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 THA or HUD determines necessary to the administration of the program and must consent to the THA verification of that information. All adult applicants and participants 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 for applicants and lease termination for participants. The family will be informed of the denial or termination in accordance with THA policies, and will be provided information on requesting an informal hearing.

10.1 Methods of Verification

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

THA 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

10.1.1 EIV Verification Process

Link: [24 CFR 5.233](#); [PIH Notice 2018-28](#)

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

10.1.2 Requirements for Non-EIV Verifications

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

- Any third party documents supplied by the applicant or participant used for verification must be original or authentic documents and must be dated within 60 days of the request date. The documents must not be damaged, altered or in any way illegible.



- The THA may accept documents dated up to 6 months before the effective date of the family's reexamination if the document represents the most recent scheduled report from a source.
- Print-outs from web pages are considered acceptable documents.

10.1.3 Third Party Written Verifications

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

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

The THA also will determine 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.

10.1.4 Third Party Oral Verifications

THA 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.

10.1.5 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 THA is unable to obtain third-party verification, the THA 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 THA.

10.2 Eligibility Verifications

The following information will be verified to determine qualification for admission and continued occupancy to THA'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 THA will allow the family to retain its place on the waiting list for 90 days. If not all household members



have disclosed their SSNs at the next time a voucher becomes available, the THA 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 THA.
 - If the family provides an unacceptable document, the THA 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 THA within 60 days.
 - If the family certifies that the required evidence is temporarily unavailable and it needs more time, the THA 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.
 - Once an individual's status is classified as "verified" in HUD's EIV system, the THA may remove and destroy copies of documentation accepted as evidence of social security numbers.
- Applicant Criminal History Information
 - Citizenship or eligible immigration status

10.3 Legal Identity Verification

The THA 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 and Drivers License or Passport
- Children: Birth Certificate, Adoption Papers, Court Award documents, Social Service Agency Award documents, school enrollment documentation

10.3.1 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.).

10.3.2 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.



10.3.3 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 or utility bill).

10.3.4 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.

10.4.5 Student Status Verification

The THA 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.

The family will provide enrollment documentation from the school or educational institution.

10.3.6 Student Head of Households

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

THA 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

THA 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”

10.3.7 Disabled Status Verification

For family members claiming disability who receive disability payments from the SSA, the THA will use HUD’s EIV system to verify the disability. If documentation from HUD’s EIV System is not available, the THA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the THA 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.

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.

10.3.8 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](#)

10.4.1 Wage Verification

The THA requires paystubs the last 60 days for determining annual income from wages. If paystubs are not available, the THA will accept an authentic document on employer letter head that states wages for previous 60 days, or an employer payroll print out.

10.4.2 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.



10.4.3 Bonus Income Verification

For persons who regularly receive bonuses or commissions, the THA will verify and then average amounts received for one year preceding admission or re-certification. The THA 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 THA will count only the amount estimated by the employer.

10.4.4 Business and Self Employment Income Verification

Business owners and self-employed persons will 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 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 THA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.
- At any re-certification the THA 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 THA 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 THA will require the family to provide documentation of income and expenses for this period and use that information to project income.

10.4.5 Social Security and SSI Benefits Verification

To verify the SS/SSI benefits of participants, the THA 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 THA 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 THA will help the family request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to the THA.



10.4.6 Alimony and Child Support Verification

THA 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, THA will request copy of the receipts and/or payment stubs for the previous 60 days and request that the entity disclose any known information about the likelihood of future payments.
- Copy of the latest check and/or payment stubs over the last 60 days.
- 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 may be requested to 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

10.4.7 Zero Income Verification

The THA will check EIV to determine zero household income. THA will require the head of household to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. The family will be requested to complete the certificate of receiving zero income every 90 days.

10.4.8 Student Financial Assistance

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

For a student subject to having a portion of his/her student financial assistance included in annual income, the THA 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 amount



10.4.8.1 Verification of Parental Income of Students Subject to Eligibility Restrictions

If the THA is required to determine the income eligibility of a student's parents, the THA will request an income declaration and certification of income from the appropriate parent(s). The THA will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to the THA. The required information must be postmarked within 10 business days of the date of the THA's request or within any extended timeframe approved by the THA.

The THA 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.

10.4.9 Verification of Sporadic Income and Income From Other Sources

The THA 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 event, the THA will request additional documentation and provide the family an opportunity to clarify and/or update income information reported to the THA. Such documentation must be returned to the THA within the requested time 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 (effective January 2024 this amount will be \$50,000), the THA 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 THA will obtain third-party verification of assets at eligibility determination and every three years thereafter unless otherwise specified by HUD.

10.5.1 Assets Disposed of for Less Than Fair Market Value Verification

THA 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 THA needs to verify only those certifications that warrant documentation. The THA will verify the value of assets disposed of only if:



- The THA 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.

10.5.2 Income from Rental Verification

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current family
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the THA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

10.5.3 Retirement Account Verifications

The THA will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.

Before retirement, the THA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 6 months from the effective date of the examination.

Upon retirement, the THA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the THA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

10.6 Verification of Expenses

10.6.1 Medical Expenses

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

THA 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 THA 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

10.6.2 Disability Assistance Expenses

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.

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- 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 THA will verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work. THA 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.

10.6.3 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 THA 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, THA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment) or the THA 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 THA any reports provided to that agency.



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

If the family member is furthering education, the THA 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 THA will seek third-party verification of the work schedule of the person who is permitted to work by the 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 THA will verify that the type of childcare selected by the family is allowable.
- The THA 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 THA 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 THA'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 THA will request additional documentation to support a determination that the higher cost is appropriate.

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CHAPTER 11: ONGOING PROGRAM OPERATIONS

11.1 Annual Re-Certifications

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

The THA will conduct a re-certification of income and family composition annually by mail, in-person, or electronically. The THA will begin the annual re-certification process approximately 120 days in advance of the scheduled effective date. If the family size has changed, THA 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.

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

The annual re-certification will not re-verify eligibility income limits except where the Head of Household is a full-time student.

THA 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. The THA will provide the participant no more than two requests for documentation (the initial request and one follow up request). If the family fails to provide verification of student status, medical expenses, or childcare expenses the THA will not include these deductions in the determination of adjusted annual income. If all required documents and information are not submitted to THA within the timeframe specified, the voucher may be terminated effective on the family's reexamination effective date for the family's failure to comply with their family obligations.

11.1.1 Streamlined Income Determinations

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

For any family member with a fixed source of income, the THA 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.

THA 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 THA 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 THA will obtain third-party verification of all income amounts every 3 years.

11.2 Interim Reexaminations

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

The family must report changes in income expected to last more than thirty days and/or household composition to THA within 10 business days of the change. Families are not required to report cost of living adjustments to recipients of social security, TANF, Veteran's Assistance, and SSI.

11.2.1 Changes to Household Composition

The family must inform the THA 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 THA, a participant family may add additional adult family member(s) to the household under the following circumstances:

- A new or returning family member:
 - spouse/domestic partnership,
 - Dependent child, other child with guardianship via court documents
- As a reasonable accommodation to provide care to a family member not currently on the voucher
- Member of the family removed from the voucher as a means to address violation of family obligations will not be returned to the voucher unless as a reasonable accommodation or after informal review the THA
- Such member must be eligible for participation in the Housing Choice Voucher Program
- Such member has 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.

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



The THA will not approve the addition of a other family member or household member unless the individual meets the THA's eligibility criteria and documentation requirements. The THA will not approve the addition if it will cause a violation of space standards. The THA will conduct interim re-certifications to account for any changes in household composition that occur between annual re-certifications.

If THA approves the addition of the family member and the owner does not, the family will need to move from the current unit following all THA and HUD move requirements.

11.2.2 Interim Changes Affecting Income or Expenses

Families are required to report increase in household income for the following circumstances:

- All increases in income must be reported to the THA within 10 business days of the change.

A family must report an increase in income/assets that occurs during the recertification period (within 120 days of the effective date anniversary, if the increase occurs after the family has completed the recertification packet and was not included).

Seasonal employees such as school employees, agricultural workers, or construction trades that may typically work for fewer months depending on local conditions will be required to report all changes in their income for such employment if their income calculation is not annualized. The THA will annualize seasonal employment when there is sufficient employment history to support the annual income.

The THA will annualize the current income and conduct an interim reexamination when the income changes. Decreases will take effect the month following the reported change and increases will take effect the first day of the month following thirty (30) days from when the tenant is notified by an amendment to change existing and/ or lease amendment.

Failure to adhere to the reporting requirements for change of income, for the determination of eligibility and for the redetermination of on-going eligibility is a violation of the family obligations may result in termination of the voucher.

11.2.3 THA-Initiated Interim Re-certifications

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

- For families receiving the Earned Income Disallowance (EID), the THA 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 THA will conduct an interim reexamination.
- The THA 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.



11.2.4 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:

- The decrease will be effective on the first day of the month following the month in which the change was reported and documentation was received.

The family will be notified of the new family rent and effective date.

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 THA.
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family. The family must use the THA mutual termination agreement form.
- 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 THA a copy of any owner eviction notice and eviction for 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 THA, 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 THA has terminated the assisted lease for the family's unit for the owner's breach of the HAP contract.
- The THA determines that the family's current unit does not meet the inspection space standards because of an increase in family size or a change in family composition.
- The family is in good standing with THA.



- The family does not owe THA money.

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 THA to meet inspection requirements 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 inspection, may necessitate 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 THA. The owner and family must agree in writing to a mutual rescission of the lease in order for THA 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 THA otherwise determines VAWA or other health and safety provisions prevail.

11.3.1 Denial of Moves

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

THA 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. THA 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 THA will deny a family permission to move on grounds that the THA does not have sufficient funding for continued assistance if:
 - the move is to a higher cost unit (within THA jurisdiction) or to a higher cost area (for portability moves)
 - the receiving PHA is not absorbing the voucher (applicable only to portability moves)
 - THA 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 THA's jurisdiction as well as to moves outside it under portability.

If THA has denied a move due to insufficient funding, THA will provide written notification to the local HUD Field office and to the family denying the request to move for this reason. THA will advise the family that they may advise THA 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).



THA 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, THA 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 THA.

11.3.2 Move Process

If the THA has determined the family has met the conditions above, the THA will perform an annual recertification and will issue the family a voucher to move. If the family and owner agree to extend the move date, the extension must be submitted to THA 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.

THA may limit moves at any time due to HUD funding constraints.

11.3.3 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 THA and may not be kept by the former owner.

11.4 Portability

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

11.4.1 Outgoing Portability

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

If the applicant did not live in THA's jurisdiction at the time that the family's application for assistance was submitted, the family must lease a unit within the THA's jurisdiction for at least 12 months before



requesting portability. The THA 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 THA when they want to move out of the THA's jurisdiction using the portability feature. Families that are new admissions to the HCV program must meet the income eligibility requirements both for THA and also in the jurisdiction where the family intends to move to ("the Receiving PHA"). Applicant families must also meet the income eligibility requirements in the area to which the family plans to move. Families are informed of these requirements in the briefing session.

The THA will approve no extensions to a voucher issued to an applicant or participant family porting out of the THA's jurisdiction except under the following circumstances:

- the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving THA
- the family decides to return to the initial THA's jurisdiction and search for a unit there.

11.4.2 Incoming Portables

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

If the THA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the THA will notify the initial THA 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 THA may not change its determination to bill or to absorb a voucher after that without the approval of the initial PHA.

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

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CHAPTER 12: Emergency Housing Vouchers and Stability Voucher Program

The THA administers Emergency Housing Vouchers (EHV) provided by HUD in order to serve individuals and families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. The THA has applied to HUD for available allocation of Stability Vouchers. The THA hopes to administer the Stability Vouchers (SV's), similar to the EHV, serving homeless, at-risk of homelessness, those fleeing or attempting to flee domestic violence dating violence, sexual assault, stalking, or human trafficking, and veterans and families that include a veteran family member that meet one of the proceeding criteria. The EHV and SV's (if awarded) will operate in the same manner as the THA tenant based voucher program except as otherwise provided in this chapter. The policies of EHV will also apply to the SV unless otherwise specifically stated in this chapter.

12.1 Wait List and Selection

EHV / SVs are limited and the availability of these EHV / SVs are managed through a direct referral process through THA approved agreements. THA will accept applicant referrals for EHV / SVs directly from the Continuum of Care (CoC) or other partnering agency. If the CoC or other partnering agency refer more families to the THA than the current allocation of EHV / SVs, the THA will create a separate waiting list specifically for the EHV / SVs.

The THA will inform families on the HCV waiting list of the availability of EHV/SVs by posting the information to the THA website. The THA notice will describe the eligible populations to which the EHV/SVs are limited and are managed through a direct referral process and will provide contact information for the CoC.

The THA will advise the interested families to contact the CoC (or any other THA referral partner, if applicable) if the interested family believes they may be eligible for EHV / SV assistance. The THA will also make an EHV / SV available in order to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in the THA Emergency Transfer Plan.

12.2 Eligibility

The verification that the individual or family meets one of the four eligibility categories will be conducted by the CoC or another partnering agency that makes direct referrals to the THA.

Other than cases where a family is requesting an emergency transfer in accordance with VAWA as outlined in the THA Emergency Transfer Plan, the THA will refer a family that is seeking EHV / SV assistance directly from the THA to the CoC or other referring agency partner for initial intake, assessment, and possible referral for EHV / SV assistance.



The CoC or other direct referral partner will provide supporting documentation to the THA of the referring agency's verification that the family meets one of the four eligible categories for EHV / SV assistance.

12.2.1 Income Eligibility

HUD permits the THA to use alternative income verification for the EHV / SV that differs from the tenant-based voucher program. THA may consider self-certification as the highest form of income verification at admission. Applicants who self-certify to their income must submit an affidavit attesting to reported income, assets, expenses, and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

12.2.2 Social Security Number Documentation and Citizenship Status

The THA requires that individuals must provide the required documentation of social security number and citizenship status within 180 days of admission to be eligible for continued assistance, pending verification. The THA may provide an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

Additionally, THA may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the THA will obtain a higher level of verification within 90 days of admission or verify the information in EIV.

12.3 Denial of Admission

For EHV / SV, the THA must deny admission:

- 1) If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.
- 2) If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program to EHV / SV applicants.

For EHV/SV, the THA may not deny admission for any of the following reasons:

- Any member of the family has been evicted from federally assisted housing or the THA has ever terminated assistance under the program for any member of the family.
- The family currently owes rent or other amounts to the THA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any THA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breached an agreement with the THA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.



- The family would otherwise be prohibited admission under alcohol abuse standards established by the THA in accordance with 24 CFR §982.553(a)(3).
- The THA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

12.4 Voucher Term

The initial term of the EHV voucher will be 120 days. Extension to the initial term of the voucher may be provided as a reasonable accommodation.

12.5 Portability

The THA will not prohibit portability for non-resident applicants. In the event that the THA is a receiving PHA under portability, the THA will absorb the incoming EHV / SV family with an EHV / SV (assuming it has an EHV voucher available to do so). If the THA does not have an EHV / SV available to absorb the family, it will bill the initial PHA.

12.6 Payment Standards

The THA may establish a separate payment standard for the EHV / SV that differs from the tenant based voucher program, if the THA wishes to increase the potential pool of available units for EHV / SV families.

12.6.1 Changes in Payment Standard

The THA may apply an increase in the payment standard for the leased EHV / SV at interim re-examination or with an action to increase the owner rent following the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

12.7 HUD-Provided EHV (only) Service Fees

HUD will allocate a one-time services fee to the THA to support its efforts in implementing and operating an effective EHV services program that will best address the needs of EHV eligible individuals and families in its jurisdiction. The THA will use the service fee to provide any or all the defined eligible uses to assist families to successfully lease units with the EHV. The permitted use of these fees may include the following activities.

- Owner incentive payments equivalent to \$2,000 per lease-up
- Housing Search Assistance to EHV families during their housing search – equivalent to \$215 per lease-up
- Security Deposits to secure a rental unit for first-time applicants/new admissions only. Security deposits do not need to be returned to the PHA by the owner or the family. Families may use that security deposit for subsequent tenancies, if necessary. Security deposits may not exceed one and half times the monthly contract rent.

For first-time applicants/new admissions, the total amount of service fees cannot exceed \$3,500. The owner incentive payments and housing search assistance fees have priority over security deposits.



Security deposits may make up the remaining difference after subtracting the owner incentive payment and housing search assistance fees.

12.8 Termination of the EHV (only)

The THA may not reissue the EHV when assistance for an assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the THA may not reissue that EHV to another family unless it does so no later than September 30, 2023.



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CHAPTER 13: Project Based Vouchers

Link: [24 CFR 983](#)

Except as noted in this chapter, the Administrative Plan policies stated for the HCV program also apply to the PBV program.

13.1 Overview

The THA may use up to 20 percent of Housing Choice Voucher authorized units for project based assistance. The THA may increase the use of Project Based Vouchers additional 10 percent for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where vouchers are difficult to use.

The proposed location of any PBV units must comply with the goals of deconcentrating poverty, expanding housing opportunities, and affirmatively furthering fair housing.

The THA uses project-based vouchers to encourage new construction or rehabilitation, promote voucher utilization and increase supportive housing options.

13.2 Proposal Selection

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

Prior to issuing a Request for Proposal or selecting a project without following a competition process where the PHA has ownership interest, THA will submit to the local field office all required information under §8(o)(13)(B) of the 1937 Act.

The THA will select proposals for PBV assistance using either the Request for Proposal (RFP) method or the Previous Competition method.

13.2.1 THA Request for Proposals Method for Rehabilitated and Newly Constructed Units

The THA will advertise request for proposals for rehabilitated and newly constructed housing in local newspaper(s) and on the THA web site. The advertisement will specify the number of units the THA estimates that it will be able to assist and the submission deadline. Incomplete proposals will not be considered.

The THA 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 THA 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, persons with disabilities or families needing other services, the THA will rate partially assisted projects on the percent of units that are available to receive assistance. Projects with the lowest percent of assisted units will receive the highest score.

13.2.2 THA Requests for Proposals for Existing Housing Units

The THA will advertise proposals for existing housing in local newspaper(s) and on the THA web site. The advertisement will specify the number of units the THA estimates that it 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 THA 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.

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

The THA 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 THA 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 THA will evaluate each proposal on its merits using the following factors:

- Extent to which the project furthers the THA 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.



13.4 Notice of Owner Selection

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

THA will notify the selected owner in writing of the owner's selection for the PBV program pursuant to HUD requirements. THA 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 THA will make available its rating and ranking sheets and documents that identify the THA basis for selecting the proposal for one month after publication of the notice. The THA will not include sensitive owner information, such as financial statements, etc. The THA will make these documents available for review at the THA during normal business hours.

13.5 Agreement to Enter into HAP Contract

Link: [24 CFR 983.152](#)

For rehabilitated or newly constructed units, THA 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 THA agrees that upon timely completion of development the THA will enter into a HAP Contract with the owner for the contract units.

The THA 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. THA will specify any additional documentation requirements in the Agreement.

For existing housing, the HAP contract will be executed after THA determines that all units pass inspection standards.

13.6 Site Selection Standards

Link: [24 CFR 983.57\(b\)](#)

THA 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 THA 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, THA will consider the following:

- If the poverty rate in the proposed PBV development area is greater than 20%, THA 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 inspection standards
- Other factors as determined by THA to meet the needs of the community

13.7 THA Owned Units

Link: [24 CFR 983.51\(e\)](#), [983.59](#)

HUD or a HUD-approved independent entity must review the selection process for THA owned units to confirm appropriate selection. Initial rents and annual rent changes for THA-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 THA and the independent entity.

Housing inspections will be performed by the independent entity.

13.7.1 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 occupied by the disabled, elderly, or that are eligible for families to supportive services (whether actually receiving services or not) are exempt from this cap.

13.8 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; THA will require the owner to comply with the Uniform Relocation Act and the implementing HUD regulations of the Act.

13.9 Housing Assistance Payments (HAP) Contracts

[Link: 24 CFR 983.152](#)



13.9.1 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).

13.9.2 Extending the HAP Contract

When determining whether or not to extend an expiring PBV contract, the THA 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 THA population; and
- Whether the funding could be used more appropriately for tenant- based assistance.

13.9.3 Amendments to the HAP Contract

The THA will consider HAP Contract amendments to add additional PBV units in the same building. The THA will consider adding contract units to the HAP contract when the THA determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

- The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families)
- Voucher holders are having difficulty finding units that meet program requirements
- Adding additional PBV units which include supportive services

13.10 Unit Inspections

Link: [24 CFR 983.103](#):

All contract units will be inspected and comply with housing inspection standards (HQS/NSPIRE) prior to HAP contract execution.

At least biennially during the term of the HAP contract, the THA 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. Turnover inspections are not counted toward meeting this inspection requirement.

If more than 20 percent of the inspected units in a building fail, the THA 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 THA may rely upon inspections conducted at least triennially to demonstrate compliance with the inspection requirement.

Inspections for the entire building will occur at the same time. THA will abate and terminate PBV HAP contracts for non-compliance with housing inspection standards in accordance with the policies used in the tenant-based voucher program.

In the case of THA-owned units, the inspections will be performed by an independent agency designated by THA and approved by HUD. The independent entity must furnish a copy of each inspection report to THA and to the HUD field office where the project is located. THA 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 THA's- owner.

13.10.1 Lead-based Paint

Link: [24 CFR 983.101\(c\); HUD PIH Notice 2017-13](#)

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program. Under Subpart H, owners of target housing properties receiving more than \$5,000 annually per unit in project-based assistance are required to ensure that target housing receives a lead risk assessment by a certified risk assessor, regardless of whether there is a child under age 6 in residence, and that occupants are notified of the results of the risk assessment.

13.11 Initial Rent and Rent Increases

Link: [24 CFR 983, Subpart G](#)

13.11.1 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.



13.11.2 Rent Increases

An owner's request for a rent increase must be submitted to the THA 60 days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing.

13.11.3 Small Area Fair Market Rents

The THA will not implement the Small Area Fair Market Rents but will rather adhere to the HUD published City of Tempe metropolitan Fair Market Rents.

13.12 Tenant Selection

Link: [24 CFR 983.255](#)

Except where noted in this Administrative Plan, the THA's tenant selection procedures for its tenant-based programs apply for units assisted under the PBV Program. Except for units which are occupied by eligible tenants upon the commencement of the project based contract term, when a vacancy exists at a PBV site, the THA will notify the next families on the THA Project Based Voucher Waiting List for the property.

The Project Based Voucher waiting lists are site based waiting lists. THA'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 his/her place on the THA's HCV waiting list (if applicable and the applicant is currently on both waiting lists). 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 (if currently on the tenant based waiting list), as if the offer had not been made. If a dwelling unit to which assistance is to be attached under the project-based voucher program is occupied, THA 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 THA, 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 THA's waiting list.

THA will review all applicants to determine that they meet program eligibility requirements. In the event that there are an insufficient number of eligible persons on the PBV site based waiting list, or if the THA referrals do not provide the owner with a suitable tenant for the unit within 30 days, the THA can place applicants referred by the owner on the waiting list for that particular site. Eligibility criteria for selection in the Project-based voucher program will be consistent with the THA's tenant-based and project-based assistance programs.

The owner chooses a tenant for occupancy from the qualified applicants referred by THA based on their written tenant selection policy. The THA 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 THA in writing (mail, fax, or e-mail) within 10 calendar days of learning about any vacancy or expected vacancy. The THA will make every reasonable effort to promptly refer families to the owner after receiving a vacancy notice from the owner.

13.13 Unit Moves/Transfers

13.13.1 Overcrowded, Under-Occupied, and Accessible Units

Link: [24 CFR 983.260](#)

The THA 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 THA 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
- Tenant-based voucher assistance

When the THA offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 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 30-day time frame, the THA will terminate the housing assistance payments at the expiration of this 30-day period.

The THA 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, or as a reasonable accommodation.

13.13.2 Moves Requested by the Tenant

Link: [24 CFR 983.261](#)

PBV participants have choice mobility, after one-year families have the option to leave the PBV unit and receive a tenant-based voucher, if a voucher is available. In the event a PBV chooses mobility and moves with a tenant based vouchers, the THA 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 THA in writing not less than 30 days prior to the date they plan to vacate the unit and in accordance with the lease. The THA will then place the family on a PBV-HCV Voucher program transfer list according to the date and time of receipt by the THA of written request for mobility and written notification of the family's 30 day notice of intent to vacate. The THA 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.



13.13.3 Moves from Excepted Units

THA 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 THA determines that a family no longer meets the criteria for a "qualifying family" in connection with the 25 percent per project cap exception, THA will provide written notice to the family and owner within 15 business days 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, THA will terminate the housing assistance payments at the expiration of this 30-day period. THA 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.

THA 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 THA, THA will amend the HAP contract to reduce the total number of units under contract.

13.14 Vacancy Payments

Link: [24 CFR 983.352](#)

The THA will decide on a case-by-case basis if the THA will any such 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 THA determines that the vacancy is the owner's fault.

If the THA determines that the owner is responsible for a vacancy and, as a result, is not entitled to the keep the housing assistance payment, the THA will notify the owner (or landlord) of the amount of housing assistance payment that the owner must repay. The THA 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 THA. In order for a vacancy payment request to be considered, it must be made within 15 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 THA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the THA within 15 days of the THA's request, no vacancy payments will be made.

13.15 Reduction in HAP Contract Due to Vacancies



Link: [24 CFR 983.254](#)

If any contract units have been vacant for 120 days, the THA 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 THA will provide the notice to the owner within 15 business 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 THA's notice.



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CHAPTER 14: Tenant Based Rental Assistance Homeless Prevention Program

The HOME TBRA Homeless Prevention Program (HPP) is a Fair Housing and Equal Opportunity Program. The THA does not discriminate on the basis of race, color, national origin, sex, sexual orientation, religion, age, or disability in employment or services.

14.1 Purpose and Use

The attached program guidelines have been developed to facilitate the efficient and effective operation of the Tenant Based Rental Assistance Program (HOME TBRA) for THA. The TBRA program will be administered by THA Housing Division. Funding for this TBRA is provided under Title II of the National Affordable Housing Act (1990) through the HOME Investment Partnership Program (HOME) under regulations and policies established by the Tempe Human Services Department (THA) in conjunction with the United States Department of Housing and Urban Development (HUD). THA has set-aside a portion of its annual HOME allocation to provide TBRA to a targeted group of families/individuals who are homeless or at risk of homelessness or are fleeing Domestic Violence (as defined by VAWA) and are homeless or at risk of homelessness.

14.1.1 Primary Objective

The primary objective of the TBRA HPP program is to assist eligible applicants to secure safe, decent, and sanitary housing in the private rental market in the city of Tempe, Arizona. This program allows individuals/families to choose a neighborhood in which they prefer to live and feel safe.

14.1.2 Secondary Objective

The secondary objective of the TBRA-HPP program is to help prevent homelessness by providing rental assistance to families and individuals through the HOME TBRA HPP program. This secondary objective is to assist families and individuals to Self-sufficiency. Self-Sufficiency is defined as the ability of an individual or family to be self-supporting through income derived from employment, benefits such as SSI and SSDI, or a combination of income and benefits while maintaining a safe and decent environment.

TBRA HPP participants will diligently pursue educational, or training program designed to maximize the participants' income or, when feasible, will pursue employment that will allow the participant to acquire market-rate housing or other permanent housing, such as the Housing Choice Voucher Program with long-term rental assistance. Individuals who are eligible for public benefits will also be encouraged to apply for those benefits and other mainstream resources to maximize their annual household income and further the program goal of self-sufficiency. These services are available through community service agencies and are not being provided directly by the THA TBRA HPP program. Each program participant will select their own support service provider to assist them with their self-sufficiency plan and with assistance with carrying out the steps of the plan.

THA does not provide any support services in conjunction with the TBRA HPP. However, support services are made available through the various agencies to provide program participants the ability to become self-sufficient and prevent future homelessness. THA does not mandate that an individual be connected with support services nor does THA make it a condition to maintaining their rental assistance



to be engaged in support services. THA does encourage each individual to have a strong connection with a support service provider and have an active Self-Sufficiency plan.

Progress will be monitored by THA not less than once a year concurrent with re-certification of the participant but as staffing and program resources allow may choose to monitor the agreement more frequently.

14.2 Definitions

AMI: Annual Median Incomes are income guidelines provided by the Department of Housing and Urban Development (HUD) prepared annually for all the Counties and metropolitan areas in the US. Income limits include Extremely low-Income limits at 30% and Very Low income limits at 50%.

Case Manager: A case manager coordinates various services on behalf of an individual or family that needs assistance.

Contract Rent: The total rent including the tenant portion and the amount of the rental assistance.

THA: Tempe Human Services Department is the agency that administers various housing program in the City of Tempe, Arizona.

Family Obligations: Formal document executed between THA and all adults living in the household. This contract spells out all the obligations that THA and the participant's household will be responsible for to maintain the HOME TBRA HPP.

FMR: Fair Market Rent is local market rental rate set for each county in the nation that establishes a fair market rent for all rental units by bedroom size and unit type. The FMR standard is calculated for the base rent and average cost of utilities for modest rental housing units.

HAP: Housing Assistance Payment is a contract between a landlord and the agency providing rental assistance for a program participant. The HAP contract spells out the terms of the agreement for the landlord to receive monthly subsidy.

HCV: The Housing Choice Voucher Program is a federally funded rental assistance program that provides "tenant-based" rental assistance, so a tenant can move from one unit of at least minimum housing quality to another. The tenant pays 30% of their adjusted gross household income toward the rent and the voucher pays the balance of the rent up to HUD's Fair Market Rent established for the area.

HOME: The HOME Investment Partnerships Program (HOME) is a type of United States Federal assistance provided by the U.S. Department of Housing and Urban Development (HUD) to States in order to provide decent and affordable housing, particularly housing for low- and very low-income Americans. It is the largest Federal block grant to States and local governments designed exclusively to create affordable housing for low-income families, providing over US\$2 billion each year. The program is commonly referred to as the Home Investment or Home Partnership Program and is often operating in conjunction with other housing and other urban development programs, such as the CDBG program.

HQS: Housing Quality Standards inspection was developed by HUD to set a national minimum housing standard for many of the housing programs funded by the agency. This will also include the HQS successor standards, NSPIRE to be effective October 2023 or upon HUD direction.



Payment Standard: Maximum subsidy payments by bedroom size and building type, provided by the THA.

TANF: Temporary Assistance for Needy Families (TANF) is one of the United States of America's federal assistance programs. It began on July 1, 1997, and succeeded the Aid to Families with Dependent Children (AFDC) program, providing cash assistance to indigent American families with dependent children through the United States Department of Health and Human Services. This cash benefit is often referred to simply as "welfare."

TBRA: Tenant-Based Rental Assistance is a form of rent subsidy that provides a program participant the ability to select a rental unit of their choice in the private rental market.

14.3 Eligible Beneficiaries

THA will use the HOME TBRA HPP program for families/individuals who are homeless or at risk of homelessness or are fleeing Domestic Violence (as defined by VAWA) and are homeless or at risk of homelessness.

The Target Population Groups include:

- Currently homeless or at risk of homelessness in Tempe
- Homeless or at risk of homelessness due to fleeing Domestic Violence (as defined by VAWA). Is a victim of;
 - Domestic Violence
 - Dating Violence
 - Sexual Assault
 - Stalking Violence

14.4 Income Limits

HOME TBRA HPP is limited to households who are income eligible. 100% of HOME TBRA HPP funds will be used to assist families who are at or below 50% of the area median income at the time of move in. The area median income is adjusted for household size as defined by the federal Housing Choice Voucher (HCV) income guidelines.

If at annual recertification the household income is above 50% but below 80% of area median income, the household could continue to receive assistance. If the household's income exceeds 80% of area median income at annual recertification, the household will no longer be eligible for HOME TBRA HPP assistance.

14.5 Eligible Units

Tenants who receive assistance from THA's HOME TBRA HPP can choose from any housing unit as long as that rental unit:



- Meets HUD Housing Quality Standards (HQS) or successor standard, as listed in Chapter 8 of the Housing Choice Voucher Program Administrative Plan.
- Rents are for a reasonable amount, compared to unassisted units in the area.
- Is privately or publicly owned but does not receive project based rental subsidies. TBRA HPP cannot be used in public housing or Section 8 New Construction or Substantial rehabilitation projects with Section 8 Project-based Rental Assistance, in any unit with project-based rental assistance attached to the rental unit funded by and government or private sources (such as VASH), or in cooperative rental units (co-ops).

14.6 Prohibition Against Duplicate Rental Assistance

Participating households cannot receive TBRA HPP if they are receiving rental assistance under another Federal, state or local rental assistance program IF the HOME subsidy would result in duplicative subsidies.

In accordance with the Section 8 Housing Choice Voucher program rule at 24 CFR 982.352 (c) (6) Housing Choice Voucher recipient's holders cannot receive TBRA HPP under the HOME Program because the two programs would provide duplicative subsidies.

HOME TBRA HPP recipients who are offered a Housing Choice Voucher must relinquish HOME TBRA HPP assistance, if they wish to accept the Housing Choice Voucher assistance.

14.7 Ineligible Uses of TBRA HPP Assistance

- A. Make commitments to specific owners for specific units/projects. Tenants must be free to use the assistance in any eligible unit.
- B. Assist resident owners of cooperative housing that qualifies as home ownership housing. TBRA HPP may, however, be used by a tenant who is renting from a cooperative unit owner.
- C. Pay cost overruns, such as Double Subsidy.
- D. Prevent displacement of, or provide relocation assistance to, tenants as a result of activities other than the HOME Program.
- E. Provide TBRA HPP to homeless persons for overnight or temporary shelter. The HOME TBRA HPP subsidy must be sufficient to enable the homeless person to rent a transitional or permanent housing unit that meets housing inspection standards (HQS/NSPIRE).

14.8 Support Services

The HOME TBRA HPP program is specific to families and individuals who are homeless or about to be homeless. THA does not provide any support services in conjunction with the TBRA HPP. However, support services are made available through the various agencies to provide program participants the ability to become self-sufficient and prevent future homelessness. THA does not mandate that an individual be connected with support services nor does THA make it a condition to maintaining their



rental assistance to be engaged in support services. THA does encourage each individual to have a strong connection with a support service provider and have an active Self-Sufficiency plan.

THA would also encourage each household member to have a case manager that assists them with achieving the goals in their individual plans. THA does require that the household member have a case manager to assist them with accessing the HOME TBRA HPP program and to assist them with finding a suitable rental unit.

THA would also like to see the case manager assist the participant complete the annual re-certification process with the tenant as necessary or as needed. THA would encourage case manager involvement for household composition changes, tenant request to move, or when the participant needs assistance when problems arise between the landlord and the tenant.

14.9 Determining Income and Allowances

THA will use the HUD Technical Guide for Determining Income and Allowances for the HOME Program and HUD 24 CFR Part 5, Subpart F for determining annual household income for all program participants.

14.10 Residency Requirement

THA requires that applicant and their household members meet the City of Tempe's Residency Requirement for one of the following:

- Resides or is homeless in Tempe
- Works in Tempe
- Hired to work in Tempe

14.11 Length of Stay

The HOME TBRA HPP program is designed to act a bridge subsidy until the tenant can secure permanent rental assistance from another source. The TBRA HPP program may provide monthly rental assistance up to 24 months. The short-term nature of the TBRA program is a HOME requirement.

Participants are required to verify that they are or will be on the wait list for permanent or long-term rental assistance as part of the application process. This would include verifying their status on a wait list for Section 8 or a wait list for public housing through a local housing authority or at a project-based Section 8 or Section 811 or 202 housing development. The participant, in lieu of providing documentation that they are on a wait list for other subsidized rental assistance program, may provide documentation that they have a viable housing plan that does not involve the need for rental assistance.

When a participant's name is called from the wait list of another subsidy source, the participant must notify the THA TBRA HPP Program Manager within 7 days of the receipt of the notification. All participants are required to complete the paperwork and take the necessary steps to activate the new rental assistance. Failure to notify THA that their name has been called for rental assistance or a unit is a project-based rental unit is grounds for termination for the HOME TBRA HPP program.



In the event that a participant's name has not been called for rental assistance during the 24 month term of the TBRA HPP program, THA will consider extending the TBRA HPP assistance on a case-by-case basis. The participant will be required to make a written request to the TBRA Program Manager outlining the circumstances for the participant's failure to secure permanent rental assistance and requesting an extension on the rental assistance. THA can only grant such requests based on the availability of funding at the time the request is made.

14.12 Self-Sufficiency Agreement

TBRA assistance will be limited to those participants who are willing to sign the self-sufficiency agreement. This agreement is not tied to any mandatory self-sufficiency program or any mandatory support service plan.

Because the TBRA rental assistance is only provided for 24 months THA wants to target the assistance to participants who will be able to find affordable rental housing and prevent future homelessness.

Finding a stable housing unit with or without securing permanent rental assistance at the time the TBRA HPP assistance ends will be the primary goal of THA and the program participant.

14.13 Payment Standards

The payment standard for THA's HOME TBRA program will be based on THA's Housing Choice Voucher Fair Market Rent Standards (FMR).

14.14 Security Deposits

HOME TBRA HPP funds can be used for security deposits for eligible participants. Security deposits cannot exceed the amount of two months' rent. The security deposit should be reasonable and according to Arizona Residential Landlord and Tenant requirements; and equal to what a non-subsidized tenant would pay for the same unit. The security deposit will be paid by THA directly to the landlord.

When the participant moves, the security deposit will be refunded to the participant according to the terms of their lease. The security deposit is a grant to the participant and does not have to be repaid.

If the tenant plans on moving while on the program, they will be responsible for the security deposit at the new rental unit. The HOME TBRA HPP program will issue only one security deposit per participant. Tenants can use any refunded security deposit to fund the security deposit at a new rental unit. THA may pay a second security deposit on a case by case basis if a tenant needs to leave their current living situation due to domestic violence, sexual assault, dating violence, stalking or any other situation that put the tenant in danger. Such other situations may be the landlord not making repairs to the property which causes the unit to be out of compliance with housing inspection standards (HQS/NSPIRE).



14.15 Pet Deposits

HOME TRBA HPP funds cannot be used to pay pet deposits. The tenant will have to use their own funds to pay a pet deposit.

14.16 Service Animals

A service animal is not considered a pet. Any applicant that has a service animal or expects to acquire one during the time they will be assisted by the HOME TBRA HPP program will have to provide certification from a medical doctor or a psychologist that the animal is acting in the capacity of a service animal.

In most cases a landlord cannot charge a pet deposit for a service animal. The tenant is responsible for any damage done to the rental unit by the service animal.

14.17 Utility Deposits

TBRA funds can be used for utility deposits in conjunction with utility connection fees at an approved TBRA HPP rental unit. Funds can only be approved for utility deposits for services that the tenant will be responsible for paying. Funds can only be used for the electric, gas, water, sewer, and trash collection services. The utility deposit program does not include telephone, cable television or Internet service.

This is a onetime service and will not be available to the participant if they move to another rental unit. The maximum grant for connecting utilities at an approved rental unit is \$500 for all services. The utility deposit funds are considered a grant and do not need to be repaid to THA. Any funds returned to the participant after the end of the tenancy will be considered the participants funds.

THA may pay a second utility deposit on a case by case basis if a tenant needs to leave their current living situation due to domestic violence, sexual assault, dating violence, stalking or any other situation that put the tenant in danger. Such other situation may be, the landlord is not making repairs to the property which causes the unit to be out of compliance with housing inspection standards (HQS/NSPIRE).

All utility deposit funds will be paid directly to the utility provider and not directly to the participant. The participant will need to bring documentation from the utility provider that the service will be in the name of the participant and showing the amount of the required deposit and verification that the utility service will be connected in the participants name once the deposit is received.

14.18 Utilities

If the participant is leasing a rental unit where they will be responsible for paying for the utility service must bring THA written verification that the participant can connect the service in their name prior to moving into the rental unit. It is important that the head of household, co-head of household or another adult living in the household will have utility service connected in their name.



THA will not permit utility service to be connected in a minor child's name or any other person that is not a member of the household. If these provisions cannot be met, then THA will require that the participant secure a rental unit that has all utilities paid by the landlord.

All rental units funded by the TBRA HPP program must have all utilities connected at all times to remain in compliance with the terms of the program. Disconnected utility service is grounds for termination of the rental assistance.

14.19 Non-Refundable Fees, Inventory Checklist

Non-refundable fees cannot be paid from TBRA HPP program funds.

There may be charges in addition to the security deposit at the time tenancy begins. These charges may be reasonable and nonrefundable, such as a cleaning charge or fee for wall washing, carpet cleaning, drapery cleaning, etc. A cleaning fee does not negate the obligation of the tenant to maintain the unit in a normal sanitary manner. These nonrefundable fees or charges are separate items from the security deposit and, as such, are not covered by the security and utility deposit provision.

14.20 Household Identifications

Every household member is required to provide copies of their birth certificate and social security card. Copies of these identifications will be kept in the tenant's file. State issued photo ID's are required for all adult members of the household.

14.21 Contract Limitations/Period of Eligibility

All participants will be informed that the HOME TBRA HPP subsidy contracts cannot exceed two years. Although there is a possibility that the rental assistance could be extended, this is dependent on the availability of HOME funds and there is no guarantee that funds will be available beyond the first 24 months.

Once an applicant receives a HOME TBRA HPP rental assistance Certificate, assistance will continue, subject to funding availability and tenant eligibility.

All participants will be required to apply for rental assistance such as Housing Choice Voucher program or public housing types. Applicants will provide verification when they apply or are on a Wait List for a Housing Choice Voucher, public housing, HUD Section 811 or 202 apartment unit, or a privately owned Project-Based Section 8 rental unit. This verification will be provided at the time of initial application for the HOME TBRA HPP program.

Participants will re-verify their Wait List status at the time of the annual re-certification on the program.

All participants will be required to access rental assistance from other funding sources when their name is called from the other Wait Lists. THA TBRA HPP rental assistance will continue until the new rental assistance is activated from the new funding source. Participants who have applied for other tenant-



based rental assistance, project-based Section 8 units or Section 202 or Section 811 properties must terminate the HOME TBRA HPP and move to the new property.

THA will work with the participant's current landlord to help facilitate this move. THA may allow the participant to remain in their current rental unit until the lease expires as long as the new landlord will hold their rental unit until the TBRA HPP lease expires.

14.22 Inventory Checklists and Tenant Responsibilities Regarding Security Deposits

In order to protect the deposit and assure its return (whether or not program funds are used), THA will assist the household understand their responsibilities as summarized below:

- a. Complete an Inventory Checklist at the start of occupancy (within seven days of move in);
- b. Give the owner a forwarding address within four (4) days after moving out. If the tenant does not, the right to an itemized list of damages from the owner is forfeited. However, this requirement only applies if the owner has informed the tenant of this requirement in writing within fourteen (14) days after the tenant has moved in;
- c. Respond in writing, if he or she disputes the charges against the security deposit within seven (7) days of receipt of notice. Retain proof of mailing.

14.23 Re-certification

The household income, family size, and composition must be recertified at least annually. Interim re-certifications will be considered on an individual basis when there is a change in household income or household composition. Interim re-certifications will be required.

Household members are required to report all changes in household income to THA within 10 days of the change. All decreases in household income will be adjusted for the following month. Increases in household income greater than or equal to \$200 per month will be adjusted to allow the participant at least 30 days notice of new rental portion. Increases of less than \$200 per month will be adjusted at the next annual re-certification.

14.24 Occupancy Standards

THA's occupancy standards are based on the following table:

Rental Assisted Unit

Bedroom Size	Number of Persons	
Bedroom	Minimum	Maximum
1	1	2



2	2	4
3	3	6
4	5	8

The TBRA HPP Program Manager considers requests for exceptions to the above stated Occupancy Standards because of health needs or other circumstances on a case-by-case basis. Such requests must be accompanied by appropriate documentation such as a doctor's statement Health Care Provider or other agencies providing assistance to the participant. Except in exceptional circumstances, participants should not be permitted to move into a unit with more bedrooms than the minimum number stated in the above charts, even if the contract rent is in line with a smaller unit size.

THA will allow an additional bedroom for an approved live-in aid. See Section on Live-In Aide Requirements.

14.25 Waiting List Administration

The TBRA program will maintain one Wait List for all eligible applicants. All applicants must; 1) be referred by either the HOPE team, CARE 7 or a City of Tempe Housing Navigator, 2) referrals must be accompanied by a completed pre-application. These referring agencies will verify that the household being referred meets the residency requirement and are either currently homeless or are fleeing Domestic Violence and are currently homeless or at risk of homelessness.

Housing staff will review the referral and pre-application to ensure that they meet the eligibility requirements for the program, in order to be placed on the HOME TBRA Wait List. Basic eligibility requirements are:

- THA requires that applicant and their household members meet the City of Tempe's Residency Requirement one of the following;
 - Resides or is homeless in Tempe
 - Works in Tempe
 - Hired to work in Tempe
 - Currently homeless
- Homeless or at risk of homelessness due to fleeing Domestic Violence (as defined by VAWA). Is a victim of;
 - Domestic Violence
 - Dating Violence
 - Sexual Assault
 - Stalking Violence
- Must be income eligible
- All family members must have eligible immigration status
- Must be capable of self-sufficiency



- Currently live in a shelter, the streets, under bridges, in the car, couch hopping with family and friends or other setting for more than 90 days
- Wish to live in a safe environment
- Lack the financial resources to make the transition from Homelessness and living in the community
- Have an income at or below 50% of the Area Median Income at the time they are placed on the waiting list and at the time TBRA HPP rental assistance is approved for the participant.
- Eligible to receive assistance from a TBRA HPP program
- Capable of living in an independent setting with community-based services including Self-Sufficiency programs, as needed
- Require access to time-limited rental assistance in order to access a permanent housing option in the community using other rental housing options such as public housing, Section 8 Housing Choice Voucher, Project-Based Section 8, HUD Section 202, HUD Section 811, or other rental or owner-occupied housing secured by the individual at their determination.
- No member of the household maybe subject to a lifetime registration requirement under a State sex offender registration program.
- No member of the household has been convicted of manufacturing or the sale of methamphetamine.

Referrals are accepted at any time unless THA has posted the TBRA HPP Wait List is closed. THA will post a notice that the Wait List is closed on the THA website and in the appropriate newspaper publications.

Referrals may be faxed, scanned and emailed, mailed through the US Postal Service, other postal services (FedEx, UPS) or hand delivered in person to the THA Main office located at 3500 Rural Rd, Tempe, Arizona. THA will close the Wait List if THA determines that there will be more than a 2 year waiting period for an applicant at the bottom of the Waitlist to receive rental assistance. THA will post the Open or Closed status of the TBRA HPP Wait List on the THA website.

THA will review referrals and pre-applications and will place them on the Wait List once they have been reviewed and determined to meet the initial eligibility requirements for the program. Applicants will be placed on the Wait List in the order that they are received.

THA will notify applicants in writing if their application is determined to be incomplete or does not meet the initial eligibility requirements for the program. Incomplete applications will not be placed on the Wait List. THA will also notify in writing all applicants whose applications are determined to be complete and meet all eligibility requirements for the program that their names have been added to the wait list.

Applicants who need assistance in completing the pre-application can work with the referring agencies in order to complete them.



14.26 Tenant Selection

Applicants on the wait list are required to update their contact information while their name is on the Wait List. THA will make two attempts to contact the participant at the time their name comes up on the Wait List. THA will contact the participant by e-mail and telephone in an effort to notify that the participants name has been selected to determine their eligibility for a Certificate. THA will also attempt to contact the referring agency that is assisting the participant as well.

If the applicant cannot be reached after two attempts to contact them, their name will be removed from the Wait List. THA will send notification to the applicant and the referring agency notifying them that the applicant has been removed from the Wait List. If the Wait List is open, the client may reapply if they still meet the eligibility requirements.

All applicants who do not update their application within the defined period will be removed from the waiting list. Participants will be informed in writing that they can re-apply after being purged from the waiting list, with a new date and time of application. If an applicant feels that their name has been removed from the Wait List in error they have the right to appeal this decision. Refer to the Appeal section of this document.

Once the applicant's name comes to the top of the Wait List and they respond to the notice sent by THA that they have been selected to determine their eligibility to receive rental assistance, the applicant will notified of any additional documentation that is needed.

The applicant's referring agency will also be notified. The case manager may assist the applicant in understanding the program requirements and to assist them with bringing all the required documentation needed to complete the application process. The tenant may ask any other family member or friend that is assisting with this transition to assist them.

Applicants and referring agencies will be reminded that their rental assistance contracts cannot exceed two years. If funding is available, applicant eligibility to extend this period will be considered on an individual basis need and situation.

**Management may, on a case by case basis allow modifications to the Tenant Selection guidelines listed above.

14.27 Local Preferences

Assistance will be limited to participants in the Tempe, AZ area.

14.28 Rental Assistance Calculation

THA will use the Payment Standard (Fair Market Rent) based on THA's Housing Choice Voucher program. The rental assistance calculation will follow the HUD Housing Choice Voucher program except the tenant portion of the rent cannot exceed 30% of the adjusted housing income. The TBRA HPP program will also not allow the participant to use their rental assistance to be "over housed" or leasing a rental unit that



does not meet the Occupancy Standard for their household size even if they find a large rental unit that is within the dollar value of the Certificate.

a. Rental Assistance Calculation - the maximum subsidy amount is calculated as the difference between 30% of the household adjusted monthly income and the Payment Standard (Fair Market Rent) for size of rental unit they are qualified for. The tenant is responsible for paying the difference between THA's HOME TBRA HPP share of the rent and the total Contract Rent. This Total Tenant Payment will be paid by the Tenant directly to the landlord each month.

b. Minimum Tenant Rent – The minimum tenant rent would be 30% of the participant's total adjusted household income. In the event that the total adjusted household income is less than \$1.00 then the participant will have a zero Total Tenant Payment.

14.29 Utility Allowances

The TBRA HPP program will use the THA Housing Choice Voucher Utility Allowance Charts when calculating rent under this program. Utility allowances will be factored into all rent calculations.

If the tenant is very low income or has no income at the time of initial lease up, where their rent calculation results in a monthly utility allowance, THA will request the tenant locate a rental unit where all the utilities are included in the rent. THA will assist the tenant and case manager in negotiating all utilities being included in the rent with the landlord.

If a rental unit cannot be found where all utilities are included in the rent, then the TBRA program will issue the utility allowance payment directly to the utility company on a monthly basis. No utility allowance checks will be made payable to the participant or any member of the participants household.

14.30 Impact Of Unit Size On The Subsidy

THA will calculate the maximum subsidy based on the unit size authorized for the tenant. The participant may not select a rental unit that is larger than the one specified in the program Occupancy Standards and designated on the TBRA Certificate that is issued to the participant.

14.31 Key Processing Steps for Initial Lease-Up

Step 1: Marketing and Outreach Activities

- A. Public Announcement of Program.
- B. Outreach to Eligible Households.
- C. Outreach to Prospective Owners.

Step 2: Accept Applications

- A. All Applications must be in writing on a form prescribed by THA. The application includes information that enables THA to determine initial household income and eligibility.



B. THA will use a short form application to serve as the initial application.

Using this method, potentially eligible applicants are placed on the waiting list based upon the information provided. Applicant will be required to fill out a full application at the time of their verification process. The current information will be used to verify eligibility.

C. Each Application received must be reviewed for completeness and to determine if the applicant is eligible. THA may elect to fully determine eligibility at the time the household makes application, and then put the applicant on the wait list.

D. If an applicant is determined to be ineligible, they will be notified in writing. The written notice will identify the reason(s) the household is ineligible and state that the applicant has 10 days from the date of the notice to request an informal review of the decision.

E. A tenant file will be created for each application. This file will ultimately contain the application, documentation of the household's eligibility, copies of program forms, unit information (lease/assistance contract, housing inspection) correspondence, future recertification paperwork, etc.

Step 3: Determine Eligibility

Applicants are selected from the waiting list in the order established by THA's Tenant Selection policy. To determine a household's eligibility:

- A. The household's eligibility status. Eligibility is not always verified at the time of application, but it must be verified before the household receives a Certificate
- B. The household's size and composition. This enables THA to determine the unit size for which the household qualifies.
- C. Household income and adjustments to income. This enables THA to determine if the household is income eligible, and to calculate the subsidy amount for which the household qualifies. Verification of the information provided by the household can be accomplished through a variety of sources and documents.

Step 4: HPP Certificate

The issuance of a TBRA HPP Certificate authorizes the household to begin the search for housing. The Certificate is generally issued in person, during a meeting with the household, often called the "TBRA HPP Briefing."

TBRA HPP Briefing: The purpose of the briefing is to ensure that the household (1) understands its responsibilities, as well as those of THA and the owner/landlord; and (2) has sufficient guidance to make an informed choice of housing. The briefing will cover:

- A. Roles and responsibilities of the applicant, household members, owner, and THA.
- B. Limitations on the rent the owner may charge (i.e., a description of rent reasonableness), including how utility allowances are used in this determination.
- C. Subsidy calculations, including how THA and tenant shares will be calculated.



- D. Security deposit policy, including how much may be charged, who pays, and who receives any refund.
- E. HPP Certificate Issuance Period and Extension Policies – 30 days with an extension of an additional 30 days.
- F. Guidance on selecting a unit, including housing inspection standards (HQS/NSPIRE) and procedures for submitting the Request for Lease Approval/Rental Unit Information form. Families should be counseled against signing any lease until THA has approved the unit.
- G. Lead-Based Paint information.
- H. Prohibited Lease Provisions/Lease Addendum
- I. Fair housing information, including any search assistance that may be available, and the process for filing a complaint in the case of discrimination. THA will direct participants and their case managers at Care 7 and HOPE Program for Homeless Prevention for housing search assistance. THA will make it clear that the HPP Certificate Holder is free to choose units other than those that may be provided by the agencies.

Step 5: Unit/Lease Approval

Once the household has located a unit and the owner has agreed to participate, the household and the owner jointly submit the Request for Unit Approval/Rental Unit Information form. This form provides essential information about the property (bedroom size, utility combination, proposed rent, ownership information). The submission of this document prompts THA's inspection, rent negotiations and review of the owner's rent request.

- A. Housing Quality Standards: Each unit must be inspected to confirm that it meets housing inspection standards (HQS/NSPIRE). If the unit initially fails inspection, the owner may be given a reasonable amount of time to correct deficiencies, or the HPP Certificate Holder may elect to look for another unit. A TBRA HPP Contract with an owner must not be executed until the owner has made all repairs and the unit passes inspection. The results of each inspection must be recorded on an inspection form prescribed by THA and retained in the participant file.
- B. Rent Determination: The rent for each unit must be determined to be reasonable when compared to unassisted units in the area. See above for key components of Rent Reasonable Determination
- C. Lease Review: THA must review the owner's lease to assure that it does not include any of the prohibited lease provisions. The Lease Addendum provided by THA is required for all HOME TBRA HPP assisted units.
- D. Final Subsidy Calculation: Once the unit has been approved, a final subsidy calculation is required to determine the tenant's share and assistance amount.

Step 6: Contract/Lease Execution



The Lease Agreement and Lease Addendum are executed by and between the tenant and owner. The TBRA HPP Housing Assistance Payment (HAP) Contract is executed by and between the owner and THA on behalf of the participant. Each HAP Contract will begin on the first of the month.

14.32 Marketing and Outreach

Efforts to inform community leaders, housing owners, social service agencies, and other interested parties will be made through formal and informal meetings and other methods. THA will encourage case manager and participants to use www.HousingSearch.org as a method for quickly locating affordable rental units that will accept the TBRA HPP rental assistance.

14.33 Eligibility and Income Calculations

THA will use the definitions of income established in the HUD Housing Choice Voucher program at 24 CFR Part 5, which is based on gross income before deductions. Income will be verified in the following ways:

- a. Third Party Verifications: Request for written income verification from the tenant's employer or other income source; must be pre-approved by the applicant.
- b. Review of Documents: Documents include but are not limited to benefit award letters, pay stubs, bank statements, and income tax returns.
- c. Personal or Self-Certification: This is the least preferred method, but may be used if no other sources are available.

14.34 HPP Certificate Issuance and Briefing Packet

When HOME TBRA HPP funds are available, THA will select the applicant who is at the top of the Wait List. THA will select applicants according to date and time the application was placed on the Waiting List and determined to meet the initial eligibility requirements for the program.

Once an eligible program applicant is selected to receive assistance, THA will hold a briefing meeting with the participant and their case manager. The applicants may invite to the Briefing meeting other family members and friends who are assisting the participant in the relocation process. All adults living in the household will also be invited to the Briefing Meeting. The case manager or another member of the support service team who will be working with the applicant are required to attend the Briefing Meeting. At this meeting, THA will review the policies and procedures for the program and the Household Obligations.

THA will do a preliminary rent calculation to determine approximately the tenant portion of the rent. THA will also determine the size of the rental unit that the applicant and their household are eligible for. At the conclusion of the meeting, THA will issue HOME TBRA HPP Certificate so participant can search for an appropriate unit. The participant will also be given a Landlord Packet that they will give the



landlord once the landlord has completed their screening process and has approved the participant to lease the unit.

THA will issue a HPP Certificate to the participant which will allow them to look for a rental unit. The Certificate is good for a 30-day period from the date it is issued.

THA will grant two extensions to the voucher in 30-day increments that will allow the participant time to continue their search for a rental unit. THA will only grant extensions if the participant and their case manager are making a good faith effort to locate a rental unit.

THA will require the applicant and case manager to present written documentation showing the progress they have made in looking for a rental unit. The documentation must indicate the dates, times, and addresses of all the rental units investigated and the reason those units were not suitable. After reviewing this documentation, THA will make a decision on whether or not to extend the voucher for another 30 days.

THA will not extend a Certificate for over 90 days unless the participant and case manager can show that the client has had some extenuating circumstances that have made it impossible for them to identify a suitable rental unit. THA will have the option to issue the voucher for an additional 30 days with the review and approval of the THA Director.

After 120 days, THA will terminate the Certificate and request that the participant reapply and start the process again. In this even, the new application will be placed at the bottom of the wait list.

The applicant will also be given a Tenant Briefing Packet that has valuable information about how to locate suitable housing and how to be a good tenant.

The briefing packet will include:

- Responsibilities of THA staff
- Responsibilities of the head of household and all other household members
- Responsibilities of the landlord
- Duration of assistance, Certificate expiration, and extensions
- Termination of assistance
- Payment standards, eligible units, housing inspection standards (HQS/NSPIRE), lead-based paint hazards and fair housing regulations
- Formal and informal reviews, and Appeals Hearing Process
- Occupancy standards
- Total tenant payment, rent calculation, security deposit, utility deposits
- Guidance on selecting a unit, inspection requirements, timing for signing the lease
- TBRA HPP Certificate
- Family Obligations Notice which describes the recipients, landlords and administrators responsibilities
- Request for Tenancy Approval (to be submitted by the Landlord to request unit approval)
- Lease Addendum, which notifies the landlord of the rental subsidy
- Current utility allowances
- Fair housing pamphlet
- Lead-based paint brochure (HUD 1993-351-568)
- Information on Housing Search



14.35 Approving Rental Unit and Lease

Once the participant has located a unit and the owner has agreed to participate, the household and the landlord jointly submit the Request for Unit Approval. The TBRA Program Manager and processing staffing are available to discuss the program with prospective landlords to answer questions and review the rental documents and procedures for the operation of the TBRA program.

Once a unit has been located and the tenant has been approved by the landlord to lease the property, the Landlord will need to complete the landlord packet and return it to THA along with all required documentation from the landlord. Once the landlord packet is returned to THA, THA will schedule a housing inspection standards (HQS/NSPIRE) inspection of the property. This will usually be done within five (5) business days of receiving the completed landlord packet back from the landlord.

Units identified by the program participant must be acceptable under the TBRA HOME guidelines. The following guidelines apply:

a. Rent Reasonableness:

THA will ensure that the subsidized rent and unsubsidized rents charged for comparable units are similar. THA will utilize an acceptable Rent Reasonable determination checklist provided by HUD. Rental units that are found to be out of compliance with the HUD Rent Reasonableness standards will be rejected and the applicant will be asked to identify another suitable rental unit.

b. Housing Conditions:

Housing inspection standards (HQS/NSPIRE) will be applied to all units assisted with HOME TBRA funds. Enforcement of local codes may be applied in addition to inspection standards as listed in Chapter 8 of the Housing Choice Voucher Program Administrative Plan.

The HOME Program regulation requires that all units assisted with HOME funds meet Section 8 inspection standards. Refer to the City of Tempe Public Housing Authority Administrative Plan (PHA Admin Plan), Chapter 8 for Housing Quality Standards. The previously mentioned chapter discusses in detail how Section 8 inspection standards are implemented by the PHA.

c. Size Requirement:

THA will use the Occupancy Standards in determining unit size for each household.

d. Lease Approval:

The lease must comply with the requirements in 24 CFR 92.253 (Tenant and Participants Protection). Once a unit meets inspection standards, the landlord must provide a copy of the proposed lease to THA. THA will review the lease to assure that it does not include any of the prohibited lease provisions as outlined in 24 CFR Part 92 and 92.253(b).



14.36 Rent Reasonableness

TBRA assisted units must rent for a reasonable amount, compared to rents charged for comparable, unassisted units. THA must document the basis for their rent reasonableness determinations on a form prescribed by THA. The prescribed form provides a rent analysis for three (3) comparable unassisted units. Key components of a comparability analysis include:

- a. Location in Community: In many markets, location is the key determinant of housing price (i.e., good/safe neighborhood, close to schools/bus routes, etc.).
- b. Size: Only units of comparable size (both in terms of number of bedrooms and square footage) should be used.
- c. Rent for Unit: Amount of rent being charged by owner.
- d. Utilities Included: Consider the type and fuel source of utilities.
- e. Condition: Only units in similar condition should be compared.
- f. Amenities: Consider such amenities as garage, appliances and lot size.

14.37 Execution of Housing Assistance Payment Contract, Lease, and Lease Addendum

Once THA has verified the rent is reasonable, the unit has passed the inspection and the lease has been reviewed and approved, THA will make arrangement to have the lease addendum, and the Housing Assistance Payment Contract (HAP) signed by owner/property manager, and THA.

The HAP agreement states that the TBRA rental assistance will end if the participant is no longer eligible for the program regardless of the terms of the lease between the tenant and the landlord. The HOME rental assistance will not go into effect until the unit passes inspection and all above referenced documents are signed and returned to THA TBRA office.

14.38 Rent Increases

Landlord may request a rent increase at the anniversary date of their lease. Landlords must submit a request for a rent increase in writing as part of the annual re-certification process. Landlords should submit a new Request for Unit Approval form to THA requesting the rent increase.

THA will have to determine if the new proposed rent is reasonable in comparison to rents charged for comparable, unassisted units, and that are within the THA Fair Market Rents set for the program.

14.39 On-Going THA Program Responsibilities

On-going THA Program responsibilities are:



- a. Monitor eligibility of participating households.
- b. Monitor inspection standards.
- c. Owners will receive prompt and accurate payments.
- d. THA will review rents annually. Annual rent adjustments will be granted in accordance with published HUD approved adjustment factors.
- e. THA will review payment standards annually.
- f. Tenants will be re-certified annually. Notices to re-certify tenants will be sent 90 - 120 days in advance.
- g. THA will maintain a waiting list. If the waiting list becomes two years long, the waiting list may be closed.

14.40 Lease Enforcement and Termination of Tenancy

THA is not a party to the tenant/landlord lease and will not be obligated to enforce or intervene in a tenant/landlord dispute. THA is not a party to the eviction process. If the household is legally evicted for cause, THA may terminate assistance to the participant.

14.41 Term of Housing Assistance Payment Contract

The term of the TBRA Housing Assistance Payment Contract (HAP) runs in conjunction with the term of the Lease. The Lease cannot exceed 1 year. The HAP contract automatically terminates on the last day of the term of the Lease. If the participant is no longer eligible for TBRA the HAP contract with the Landlord will automatically terminate. THA will no longer be required to make rental assistance payments to the landlord if the participant is no longer occupying the rental unit or if the tenant remains in the rental units after their rental assistance has ended.

14.42 Non-Eligibility Requirements for Units

TBRA participants may select units that are publicly or privately-owned. TBRA may not be provided to a family who proposes to rent a unit that receives project-based rental assistance through Federal, state or local programs, IF the HOME assistance would provide a duplicative subsidy (see 'Prohibition Against Duplicative Rental Assistance' above for more details).

Under certain circumstances, THA may approve an exception allowing the participant to self-select a unit owned by THA or other participating agency. (See 'Rental Units Owned by Agency Participating in the Continuum' above for more details.)



Tenant selected units must meet housing quality standards, and therefore require each unit to have a separate kitchen and a bathroom. Therefore, SRO's are NOT acceptable on the TBRA program. An efficiency apartment or studio, which has a kitchen and separate bathroom, is acceptable.

The intent of TBRA funds is meant to temporarily assist families and individuals obtain affordable housing and promote self-sufficiency, however, not to make mortgage payments. Therefore, rent-to-own leases, in which monthly rental assistance payment are used as mortgage payment, are not permissible.

Landlords cannot be related to the participant or any other member of the household. This includes parent, grandparent, aunt, uncle or blood relative. Exceptions to this rule may be granted on a case-by-case basis where the tenant has very special housing needs and the only way to accommodate these needs is through a family member or relative providing the rental unit. This process must be fully disclosed to the THA TBRA Program Manager for review and approval. The applicant must present the request in writing explaining the situation.

14.43 Termination of Rental Assistance

Assistance may be terminated if:

- a. The participant no longer qualifies, based on income eligibility, for assistance at annual re-certification or during an interim re-certification.
- b. The household assistance contract expires. Continuation of rental assistance can be considered on an individual basis provided THA is currently operating a TBRA program and has funding to continue rental assistance.
- c. THA determines that TBRA assistance has been obtained fraudulently.
- d. The household has been evicted for cause and THA determines that participant or a member of their household has violated the Family Obligations and there is no means to rectify the situation for continuation of the TBRA program.
- e. The unit fails to meet housing inspection standards (HQS/NSPIRE) due to discontinuation of utility service or compliance issues related to the tenant damage or housekeeping issues.
- f. Failure to comply with treatment program that impacts participant's ability to maintain terms of lease and/or TBRA HPPP Family Obligations.
- g. Failure to report a change in household composition or allowing a person(s) to reside in the rental unit for an extended period of time that violate the terms of the lease or Family Obligations.
- h. For participants with past domestic violence history, allowing the abuser to reside in the unit.
- i. Conviction of drug related offenses at or away from TBRA rental unit.



14.44 Eviction

A Landlord may evict a Participant household from the contracted unit only by instituting a court action. The Landlord must notify THA in writing of the commencement of procedures for termination of tenancy at the same time that the owner gives notice to the Participant pursuant to state or local law. The notice to the THA may be given by furnishing THA with a copy of the notice that was sent to the household.

Eviction does not always equal termination of rental assistance.

Final termination of rental assistance may only be approved by THA TBRA HPP Program Manager.

The participant has the right to appeal the decision. Refer to Due Process section of this document.

14.45 Due Process

THA is always willing to work with program participants who are experiencing problems that threaten to disrupt their housing stability. Participants are expected to observe and abide by all the rules of the TBRA program; when a participant or a member of the participant's household violates one or more of these rules, THA has two levels of review it can apply, depending on the situation.

a. HUD Requirement for Due Process

HUD regulations at 24 CFR section 582.320(b) requires THA give "due process" to any participant whose rental assistance has been terminated because of program rule violations. Due process must consist of, at a minimum, the following steps:

- i. Written notice to the participant containing a clear statement of the reason for termination,
- ii. A review of the decision, in which the participant is given the opportunity to present written or oral objection before a person other than the person (or a subordinate of the person) who made or approved the termination decision; and
- iii. A written notice of the final decision will be provided to the participant within five (5) business days.

b. Formal Hearings

Based on the above, THA has a procedure whereby a participant whose rental assistance has been terminated can appeal the termination. The following steps are required to initiate and conduct the Appeal.

- i. The participant must submit a written request to THA TBRA HPP Program Manager requesting an Appeal of the household's termination from assistance. Normally, the participant responds by filling out a form that is attached to or is a part of the letter sent informing the participant of the termination.



- ii. On receiving a written request for an Appeal, THA schedules the Appeal. Attendance by the THA staff person responsible for initiating the termination is mandatory. THA invites all other relevant persons, who may include the landlord and any other persons who have first-hand knowledge or documentation of the issues involved – witnesses - to this meeting. The participant may be represented by legal counsel at his or her own expense and may bring up to two additional persons to act as witnesses.
- iii. HUD regulation requires that an impartial person preside over the Appeal. An impartial person is someone who is unfamiliar with the Participant and has no prior knowledge of the issues that lead to the termination and has no personal interest in seeing the Appeal resolved one way or another. THA has an assigned person that is the Hearing Officer for all housing programs. In the absence of the Hearing Officer, THA Director will appoint someone or will preside over the Appeal.
- iv. The Hearing Officer or the THA appointed representative will preside over the Appeal by examining all written and electronic documentation, hearing the testimony of all witnesses, and making the final decision on the Appeal. The role of the THA staff person processing the rental assistance is to facilitate the presentation of evidence and to show how he or she determined that termination was the appropriate action. The THA staff person will provide an agenda for the Appeal and make copies of relevant documents and provide access to relevant electronic records to everyone present at the Appeal meeting. Witnesses present will be called upon by the person presiding.
- v. The presiding person should attempt to render a decision while the participant is still in attendance. If this isn't feasible, the decision must be issued within five (5) business days, with a letter sent by THA to the participant documenting the Appeal decision. The Appeal decision is final.

c. Informal Hearings

- 1i. An informal hearing may be arranged when a participant is experiencing problems relating to their rental unit, support services or outside causes. Such a hearing is an informal meeting designed to clarify program rules and expected behavior, to provide information the participant and/or case manager may need to present in order to bring a participant into Program compliance, and to generally assist the participant in dealing effectively with any issues that may endanger his or her rental assistance. It may consist of a very informal and brief meeting with the program participant, or a meeting involving interested parties to discuss issues that immediately threaten the participant ability to continue in the program.
- ii. An informal hearing can be requested by THA staff, the program participant, or the landlord. Any party may attend such a hearing by teleconference – other than the participant - if they are unable to attend in person. If multiple interested parties need to attend, THA staff is responsible for ensuring all interested parties are invited to the meeting.
- iii. No formal agenda or format is required in an informal hearing. The hearing consists of informal discussion and resolution among the parties present.



- iv. Informal hearings are conducted by a THA staff person, either in person or by telephone. At a minimum, participants should include the program participant and any other THA staff that have been involved in processing the rental assistance. Other interested parties may be included at the discretion of the THA staff and may include the landlord or property manager and any other individuals involved as deemed appropriate by the THA staff. The participant may have legal counsel present at their own expense and may bring up to two additional representatives or advocates.
- v. All parties involved have access to all relevant written and electronic documents. The participant may examine any THA documents directly relevant to the situation and will be given copies upon request. THA staff and the participant may both present evidence and question witnesses who are present. All information presented shall be considered.
- vi. THA staff is responsible for documenting the results of an informal hearing and for notifying all parties subsequently if the situation persists and warrants a formal hearing. All such documents must be kept in the participant's program file.
- vii. While many informal hearings are informational in nature, depending on the issues involved and their severity, some require further action in the form of a decision by THA on future actions to be taken. If a decision is required to be made on a participant's continuation in the program, THA staff will make the decision no later than five (5) business days after the hearing, and a written decision will be issued by THA staff in consultation with the THA TBRA HPP Program Manager. If feasible, the decision should be given to all participants in the hearing that same day. Documentation of the hearing must state the reasons for the hearing and the decision. Factual determinations relating to the individual circumstances of the participant shall be based on a preponderance of the evidence presented at the hearing.
- viii. The THA TBRA Program Manager has the final say with respect to the outcome of the informal hearing.

d. Termination from Assistance Without Hearing or Due Process

Some actions by program participants may result in automatic termination from assistance without the need for a hearing or due process. Generally, these situations involve the participant's absence from the assisted unit, either because of long-term incarceration or because the participant has abandoned the unit voluntarily without giving notice to THA staff. In such cases, once the situation has been documented by THA, housing assistance will terminate automatically. However, each case will be reviewed carefully prior to automatic termination, as absence from the unit could be due to domestic violence or continued unforeseen domestic violence or any other cases as defined under VAWA.

In the absence of a 30-day notice to the landlord of the participant's departure, a final month's rent will generally be paid to the landlord.



14.46 Participant Moves

Participant may move to a different rental unit within City of Tempe at the end of their lease. Participants must notify THA 60 days in advance of their lease expiration of their intention to move. TBRA HPP rental assistance cannot be transferred to any other jurisdiction.

THA will only pay one security deposit, so the participant is responsible to paying the security deposit at the new rental unit. If the landlord is refunding all or part of the security deposit from the prior rental unit, these funds can be used for the security deposit at the new rental unit.

THA will only approve a tenant moving to a new rental unit if they are in good standing with their current landlord. The participant must abide by the terms of the lease related to moving from the unit including returning the rental unit to its move-in condition.

THA may discontinue rental assistance at the new rental unit if a participant fails to return the keys, damages the rental unit or leaves personal property or fails to clean the rental unit to move-in condition.

Tenants are encouraged to stay in their rental units until the lease expires. If the tenant wants to move prior to the lease expiration and there is no good cause for the move, THA will require that the landlord issue a release or a "Mutual" recession from the current lease with no legal damages or penalties assessed to the tenant. Once THA receives this documentation it will issue a new landlord packet to the tenant so they can look for a new rental unit.

THA may approve a tenant breaking their lease if the landlord is not maintaining the property, violating Fair Housing laws, discriminating against the tenant or a member of the household, charging the tenant for utilities or rent in a side agreement, or other good cause. THA also may approve a tenant breaking their lease if they are the victim of domestic violence, sexual assault, dating violence, stalking or any form of battery or extreme cruelty and or receiving threats from neighbors. In all these cases THA will review the matter and hold a meeting of all parties and then decide how to proceed. If all parties decide that it is in the best interest of the household to relocate, then THA will issue the tenant a new landlord packet and TBRA HPP Certificate, to secure a new rental unit.

If a household has to relocate because of no fault of their own, then THA will pay for a new security deposit and utility deposits at a new rental unit.

14.47 Program Monitoring and Evaluation

THA will conduct periodic and annual examination of the HOME TBRA HPP program to ensure program compliance of policies and procedures and to ensure compliance with HOME regulations. THA's Manager will conduct compliance monitoring and will issue reports and finding to the Director.

THA compliance monitoring reviews will be focused in the following areas;

- a. Compliance with the policies set forth in this document, including but not limited to:
 - i. Accuracy of rent calculations
 - ii. Organization of participants file and timing of annual recertification



- iii. Documentation and accuracy of calculating household income and income derived from assets
 - iv. Accuracy of THA billings to HOME
 - v. Accuracy of utility reimbursement payment and utility deposits
 - vi. Accuracy of IDIS entries
 - vii. Accuracy of rent payment to landlords
- b. Compliance related to Landlord Documentation
- i. Housing inspection standards (HQS/NSPIRE) per Chapter 8 of the Housing Choice Voucher Program Administrative Plan
 - ii. Quality control inspections as outlined in Chapter 8 of the Housing Choice Voucher Program Administrative Plan
 - iii. Soundness of Rent Reasonableness surveys
- c. Compliance with local, state, and federal, fair housing laws and ordinances.
- i. Investigate complaints against landlord related to discrimination, and violations of Fair Housing regulations

14.48 Live-In Aid Requirements

THA has adopted the following guidelines related to live-in aides.

- a. Definition of Live-in Aide: HUD 24 CFR 5.403

A person who resides with one or more elderly persons or nearly-elderly persons or persons with disabilities and who:

- i. Is determined to be essential to the care and well-being of the person(s);
- ii. Is not obligated for the support of the person(s); and
- iii. Would not be living in the unit except to provide the necessary supportive services.

- b. Essential Care

A medical doctor, psychiatrist, or a non-medical agency that provides services to people with disabilities, such as a Center for Independent Living will have to provide written documentation to THA that the TBRA participant needs the services of a live-in aide. The recommendations should be from a professional that is familiar with the participant and have direct medical or professional experience in the areas related to the participant's disability.



The written documentation can be on official letterhead from the medical professional or agency making the recommendation. A third party verification form can also be utilized. The documentation needs to be dated within 60 days from the date that the services of the live-in aide will be required. The documentation should also give full contact information if THA has questions concerning the recommendations.

c. Relatives as Live-In Aides

A person that was or is a member of the participant's household does not qualify as a live-in aide. If the participant wants to engage the services of a relative, THA requires that the participant certify that need.

If a participant has a family member or member of the participant's current household that wishes to provide services for the TBRA HPP participant and the family member does not meet the live-in aide requirements outlined above, this family member can be part of the household, but their income will be counted as part of the household income.

14.49 Ongoing Program Administration

a. Annual Housing Quality Standards Unit Inspections

All units assisted with TBRA HPP funds must meet housing inspection standards (HQS/NSPIRE) as outlined in Chapter 8 of the Housing Choice Voucher Program Administrative Plan.

b. Interim Eligibility Determinations

Participants are advised to notify the THA of all changes in income and family composition. If this occurs, the following procedures apply:

- i. **Increase in Family Income:** The participant must report any increases in household income of \$50 or more per month. Also, the family must report if there is an increase due to the addition of an approved new family member with income. Increases in household income greater than or equal to \$200 per month will be adjusted to allow the participant at least 30 days notice of new rental portion. Increases of less than \$200 per month will be adjusted at the next annual re-certification.
- ii. **Decreases in Family Income:** The participant must report all decreases in household income as soon as it occurs. THA will initiate an interim recertification to adjust the rent calculation. The decrease in tenant payment and subsequent increase in assistance payment must take effect the first month following verification of the



decrease. Both the owner and participant will be notified in writing of the change in the payment structure.

c. Annual Eligibility Determinations

Each household's eligibility to participate in the program and its share of the rent must be verified annually. The re-examination process should begin 90-120 days in advance of the household's one-year anniversary date to assure that the process is completed on time and that adequate notice is given to both the owner and tenant of changes in the household's eligibility or share of the rent. Tenants will be given at least 30 days' notice of any changes in the monthly tenant payment.

d. Moves and Termination of Tenancy

All participants are encouraged to stay in their rental unit for the term of their lease. THA will not approve a move to a new rental unit during the period of the initial lease period unless the current landlord is willing to release or sign a "Mutual" termination, with the participant from their lease and all further financial obligations related to the remaining period of the lease. THA requires that this release needs to be in writing signed by the owner or a duly approved representative of the owner.

e. Updating Policies and Procedures

Key operating procedures will be reviewed at least annually to determine if revisions are necessary. At a minimum, THA, will assess the appropriateness of the Payment Standard and Utility Allowance schedule and make changes as needed.

f. Monitoring Performance

THA will monitor ongoing progress and implementation of the program to assure that the regulatory and statutory requirements are met, and to assess program outcomes. Some key performance indicators that will be considered are identified below:

- i. **Budget vs. Actual Spending:** Since the initial estimate of funding is based upon estimates, close monitoring of actual expenditures is essential. If participating households have incomes that are lower than expected, the number of families assisted may need to be reduced.
- ii. **On Time Payments:** One of the THA's most important functions is making sure that rent checks are distributed on schedule because late checks can reduce the credibility of the program with owners willing to rent to those receiving TBRA HPP assistance.
- iii. **Outreach and Success Rates:** THA will analyze participant success rates and make use of the results to determine if aspects of program design should be changed to improve the success rate.



- iv. **Administrative Efficiency:** THA will review the length of time that various aspects of the TBRA HPP program take, including the time between initial application and Certificate issuance, and between Certificate issuance and lease-up. While many factors can affect these time frames, this information can give clues about ways to improve the administrative efficiency of the program. For example, if the time between Certificate issuance and lease-up is lengthy, it could be attributable to slow inspection monitoring procedures, poor communication with property owners, or slow paperwork processing, all of which are with the program administrator's control.
- v. **Turnover:** Turnover rates alone will reveal little. High turnover could indicate at one extreme that owners are quitting the program out of frustration and the family subsequently leaves the program. At the other extreme, it may be that families are becoming self-sufficient. THA will examine the reasons for turnover in the program.

14.50 Family Breakup—Divorce or Death

- a. When a Participant's household breaks up: the rental assistance remains with the eligible Participant, i.e., the person receiving services for Domestic Violence or any of the homeless prevention services requirements for the TBRA HPP program.
- b. If the Participant member of the household dies: any remaining members of the household can continue to receive assistance for two full calendar months following the death of the eligible family member give that there is at least one adult family member remaining in the household. After that, the remaining household members will no longer be eligible to receive the TBRA HPP assistance.

14.51 Absence From the Unit

Participants may be absent from their units for up to 90 days for medical related care or treatment and continue to receive rental assistance. This is with the understanding and agreement of the participant that the tenant share of the rent is being paid according to the lease provisions and that no other person is allowed to stay in the unit (other than approved household members listed on the lease) without the approval of the landlord and THA.

Participants may be absent from their rental unit for up to 30 days during a 12-month period for vacation or to visit out of town relatives or friends. The TBRA HPP rental unit is intended to be your primary residence and extended absences may put the participant's rental assistance in jeopardy. If the participant head-of-household or co-head of household plan on being away from your rental unit for over 14 consecutive days, they must notify the THA TBRA HPP office.

The sole exception to this allowance is incarceration, which causes the TBRA HPP rental assistance to terminate automatically. Such terminations are evaluated on a case-by-case basis; very brief stays in jail for minor infractions will not be considered incarceration and will not result in immediate termination. Incarceration is defined as a jail sentence of more than 30 consecutive days.



Participants are required to notify THA if they plan to be absent from their unit for longer than 30 days. The participant must also abide by the terms of the lease related to absence from the unit.

14.52 Guests and Visitors to the Unit

Participants are permitted and encouraged to have guests and visitors at their unit. Participants are responsible for their guests or visitors while they are on the property and at their unit. Any problems that guests or visitors have while they are at the participant's unit or on the property will become the participant's problem.

Guests and visitors are permitted to stay overnight, but no more than 14 days in a 12 month period. If guest stays beyond this period, the participant will be in violation of the THA Family Obligations. Individuals can be added to the household but the participant's case manager will have to review the situation and make a recommendation to THA stating that adding this person to the participant's household will be beneficial to the program participant and the other members of the household. THA will make the final decision on adding a person(s) to the household. THA will conduct a full screening which will include criminal background checks and income verification of any person the participant wishes to add to the household. Occupancy requirements of the current unit will be taken into account, as to not cause an "over-crowding situation. Landlord authorization is also required prior to adding the new household member.

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CHAPTER 15: Family Self Sufficiency Program

The objective of the FSS program is to reduce the dependency of low-income families on welfare assistance and on Section 8, public, or any Federal, State, or local rent or homeownership subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, business and social skills necessary to achieve self-sufficiency, as defined in [§984.103](#). The THA FSS Action Plan is available for review at the THA administrative office.

15.1 Action Plan

[Link: 24 CFR 984.201](#)

THA has developed an Action Plan in consultation with the Department Administrators and the Program Coordinating Committee which has met with HUD approval.

The Action Plan describes the policies and procedures of THA for operation of a local FSS program, and contains the following information:

- Family demographics. A description of the number, size, characteristics, and other demographics (including racial and ethnic data), and the supportive service needs of the families expected to participate in the FSS program;
- Estimate of participating families. A description of the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated Federal, tribal, State, local, and private resources;
- Eligible families from other self-sufficiency program. If applicable, the number of families, by program type, who are participating in any other local self-sufficiency program who are expected to agree to execute an FSS contract of participation.

15.2 Program Coordinating Committee

[Link: 24 CFR 984.202](#)

THA has established a joint Program Coordinating Committee (PCC) that serves the East Valley area, including the Cities of Phoenix, Scottsdale, Chandler and Mesa. The purpose of the PCC is to assist the THA in securing commitments of public and private resources for the operation of the FSS program, including assistance in developing the Action Plan and in implementing the program.

The PCC is comprised of representatives of the housing programs of the cities listed above; residents of public housing and/or participants of the HCV Program; and may include representatives of the unit of general local government, local service agencies, and other organizations, such as other State, local or tribal welfare and employment agencies, public and private education or training institutions, childcare providers, nonprofit service providers, private business, and any other public and private service providers with resources to assist the FSS program.



Family Selection

[Link: 24 CFR 984.203](#)

The FSS program is currently approved for both the Public Housing and Housing Choice Voucher residents. THA selects families to participate in the FSS Program without regard to race, color, religion, age, 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), marital or family status, disability, medical condition, national origin, ancestry, source of income, and sexual orientation, gender identity, marital status, blindness, visual handicap, physical handicap, mental impairment, or political affiliation. THA will not discriminate against otherwise qualified persons on the basis of disabilities and will make reasonable accommodations to allow participation in the FSS Program by persons with disabilities.

Eligible Families From Other Self Sufficiency Programs

The FSS program may accept referrals from other self-sufficiency programs in order to provide long term case management services to help low income families residing in subsidized housing to become economically self-sufficient.

The THA FSS Program may accept HCV portables from other cities or jurisdictions. The THA FSS Program may accept participants who are relocating from another jurisdiction. A favorable recommendation from the originating FSS Program is required and will be documented in a participant's case notes.

Participants who have previously participated in the FSS Program and have been closed successfully may not return to the program.

FSS Family Recruitment, Outreach, Selection and Preferences

Outreach efforts may include sending notices to current HCV residents about the FSS Program. Staff may also present program information at HCV briefings and recertification meetings. FSS Program information will be available at the HCV Office as well as at the City of Tempe to inform applicants of the FSS Program and encourage participation once they become residents in one of the assisted housing programs. Presentations cover FSS and how to access housing supportive services.

Contract of Participation

[Link: 24 CFR 984.303](#)

Each family that is selected to participate in an FSS program must enter into a contract of participation with THA. The contract of participation must be signed by the head of the FSS family. The contract of participation will go into effect the first of the month following the execution of the contract. The initial term of the contract of participation will run the effective date through the five year anniversary of the first reexamination of income that follows the execution date. THA may extend the term of the contract of participation for a period not to exceed two years for any FSS family that requests, in writing, an extension of the contract, provided that THA finds that good cause exists for granting the extension.

The contract of participation includes the individual training and services plan(s) and sets forth the terms and conditions governing participation in the FSS program, including the rights and responsibilities



of the FSS family and of THA, the services to be provided to, and the activities to be completed by, the head of the FSS family and each adult member of the family who elects to participate in the program.

If the FSS family fails to comply with the Contract of Participation, without good cause, THA may:

- Terminate the family's participation in the FSS program; or
- Terminate the family's participation in the FSS program and forfeit any escrow balance

The contract of participation is considered to be completed, and a family's participation in the FSS program is considered to be concluded when one of the following occurs:

- The FSS family has fulfilled all of its obligations under the contract of participation, including all family members' ITSPs, on or before the expiration of the contract term, including any extension thereof.
- The contract of participation is automatically terminated if the family's Section 8 assistance is terminated in accordance with HUD requirements.

The contract of participation may be terminated before the expiration of the contract term, and any extension thereof, by:

- For non-compliance, the participant fails to meet their obligations under the contract of participation, the individual service and training plan (ITSP) and related documentation.
- Mutual consent of the parties;
- The family's withdrawal from the FSS program;
- Such other act as is deemed inconsistent with the purpose of the FSS program; or
- Operation of law.

FSS Account

[Link: 24 CFR 984.305](#)

An interest-bearing escrow account is established by THA for each participating family. Any increases in the family's rent as a result of increased earned income during the family's participation in the program result in a credit to the family's escrow account. THA will report, at least once annually, to each FSS family on the status of the family's FSS account. Once a family graduates from the program, they may access the escrow and use it for any purpose.

If the FSS family has not paid the family contribution towards rent, or other amounts, if any, due under the public housing or section 8-assisted lease, the balance in the family's FSS account will be reduced by that amount (as reported by the owner to the PHA in the Section 8 FSS program) before prorating the interest income. If the FSS family has fraudulently under-reported income, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.





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CHAPTER 16: Denial of Assistance to Applicants and Termination of Assistance to Participants

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

16.1 Evidence and Considerations

THA 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 shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

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

- Evidence of the applicant or resident's participation in or willingness to participate in social service or other appropriate counseling service programs.
- The age of the applicant and the circumstances surrounding the unfavorable event or history
- 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.
 - THA will require the applicant/resident 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/resident is the victim of domestic violence, dating violence, sexual assault or stalking.
 - THA 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 THA's policies. Therefore, if THA decides to deny admission to an applicant family, THA will include in its notice of denial/termination a statement of the protection against denial provided by VAWA, a description of THA confidentiality requirements.
 - A request that an applicant/resident wishing to claim this protection submit to THA documentation meeting the specifications below with her or his request for an informal hearing for an applicant and a grievance hearing for a resident.
- 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, THA will determine whether the behavior is related to the disability. If so, upon the family's request, THA will determine whether alternative measures are appropriate as a reasonable accommodation. THA will only consider accommodations 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.

16.2 Denial of Assistance

The THA will deny admission of an applicant for the following:

- An applicant will be denied admission for three years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. However, the THA may admit the household if it determines:
 - The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the THA; or
 - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- The THA determines that any household member is currently engaging in illegal use of a drug (For purposes of this section, a household member is “currently engaged in” the criminal activity if the person has engaged in the behavior within the past 6 months to justify a reasonable belief that the behavior is current)
 - The THA will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol
- The THA determines that it has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
- The THA will deny admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing
- The THA will prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The THA will perform necessary criminal history background checks in the State of Arizona and in other States where household members are known to have resided

THA may deny admission to an applicant family if THA 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 threatens persons or property which would adversely affect the health, safety, or welfare of other residents, THA personnel or contractors including the possession of illegal firearms.
- Abusive or violent behavior or threats of violence towards THA personnel.
 - 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.
- Has a pattern of unsuitable past performance in meeting obligations of their tenancy including the following:
 - 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 residents, THA staff and contractors
 - Has a pattern of eviction from housing or termination from residential programs (considering relevant circumstances)
 - Owes rent or other amounts to this or any other Public Housing Authority or owner in connection with any assisted housing program
 - Failure to pay rent
 - 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
 - The applicant or any member of the applicant household is a former resident of a public housing authority, or a former resident in the Housing Choice Voucher program, who had a record of lease violations or whose tenancy was terminated by the Housing Authority or private landlord
 - No previous resident may be readmitted unless all previous amounts owed have been paid to public housing authority; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless THA has agreed in writing to grant eligibility upon payment of amounts due
- Any other HUD required reason

16.3 Notice of Denial

THA 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 THA 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 THA to dispute the information within that 10 business day period, the THA 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.

16.4 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 THA will notify applicant families of denial of assistance in accordance with HUD regulations. When THA 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 THA. The informal hearing with the THA 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 THA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the THA 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 THA 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 THA 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.

16.5 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 2010-9](#)

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

- 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.

THA must terminate the participant family for the following reasons:



- Family choice

The family may request that the THA 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 THA 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 THA of the changed circumstances and request an interim re-certification before the expiration of the 180 day period.

- Eviction

Link: [24 CFR 982.552\(b\)\(2\)](#), [24 CFR 5.2005\(c\)\(1\)](#)

The THA 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

Link: [24 CFR 960.259](#)

The THA will terminate the lease if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination.

- Failure to document citizenship

Link: [24 CFR 5.514](#); [24 CFR 960.259](#)

The THA 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 THA 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:

Link: [24 CFR 5.218](#), [24 CFR 960.259](#)

The THA 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 THA 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:

Link: [24 CFR 966.4](#)

The THA will immediately terminate the lease if THA 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 THA will terminate the lease if the THA 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 THA assisted housing program(s)).

THA 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 THA 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 THA'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 THA that such a move is required for NSPIRE compliance.
- Failure to permit access to the unit by the THA after proper advance notification for the purpose of performing routine inspections.
- Failure to inform the THA 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 THA.
- If a household member has engaged in or threatened violent or abusive behavior toward THA personnel.
 - Abusive or violent behavior towards THA 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.
- 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 HQA failures in the required timeframe.
- If the family does not allow THA 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 THA and the owner before moving out of the unit.
 - The family does not give THA 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 THA 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 THA 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 THA of an absence from the unit, and if the family does not provide THA 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 THA to pay amounts owed to THA or amounts paid to an owner by THA.
- Insufficient ACC funding to support continued assistance for families in the program.
- If the family fails to disclose to THA any HUD notification it has received regarding discrepancies in the amount or verification of family income.
- Any other HUD required reason.



16.6 Termination Notification

In any case where the THA decides to terminate assistance to the family, the THA will give both the family and the owner a 30-day written termination notice. However, if a family vacates the unit without informing the THA, 30 days-notice will not be given. In these cases, the notice to terminate will be sent and effective at the time the THA 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 THA. The THA 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).

16.7 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 THA request.

16.8 Reasonable Accommodation Related to Denials or Terminations

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

THA'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 THA'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, THA will determine whether the behavior is related to the disability. If so, upon the family's request, THA will determine whether alternative measures are appropriate as a reasonable accommodation. THA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance.

16.9 Repayment Agreements

[Link PIH Notice 2018-18](#)

If a family owes amounts to the THA, as a condition of continued occupancy, the THA may require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the THA of the amount owed.

Any repayment agreement between the THA and a family must be signed and dated by the THA and by the head of household and spouse/co-head (if applicable). If the family chooses to enter into a repayment agreement, the THA will require a minimum down payment of 20% of the amount owed or an amount that would reduce the debt owed to \$1,200. The term of repayment agreement will not exceed twelve (12) months, except as provided below. In no event will the THA enter into a repayment agreement for retroactive rents whereby the monthly amount of the repayment plus TTP is greater than 40% of the family's adjusted monthly income.

16.9.1 Repayment Agreement Options

Tenants can repay in a lump sum; through a Repayment Agreement (installment payments), or a combination: paying a lump sum when the Repayment Agreement is signed and the remainder in monthly payments not to exceed 12 months.

16.9.2 Creating and Reporting Tenant Repayment Agreements

The total the tenant pays, for a combination of the TTP and the Repayment Agreement, will not exceed 40% of the family's monthly adjusted income for contract purposes but if the family wishes to pay more than the contract amount, they can.

The repayment agreement will be renegotiated when financial circumstances of the household change. If the repayment agreement cannot be satisfied within the original 12 month period, the THA will consider a breach of the agreement and pursue termination.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the THA 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



65.9.3 Rules Governing Payments and Changes to Existing Agreements

A Repayment Agreement is a contract; the only provision for revising it is if the household's income changes.

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

- There is already a repayment agreement in place with the family
- THA determines that the family committed program fraud
- The amount of the calculated payment based on tenant rent and repayment amount not exceeding the 40% maximum rent burden is insufficient to satisfy the debt within the 24 month period
- The amount is greater than \$5,000, or the amount owed by the family exceeds the federal or state threshold for criminal prosecution

THA 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 owed and may be reported in HUD's EIV system as a debt owed. THA will take such action, as necessary, to collect the amounts owed.



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CHAPTER 17: Informal Reviews and Informal Hearings

THA provides a copy of the Informal Review and Hearing procedures in the family briefing packet. When possible and allowed by regulation/law, THA 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.

17.1 Informal Review Policy

Links: [24 CFR 982.554](#);

An applicant may request an informal review of the THA'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:

- Removal from the wait list for failure to respond to request from the THA
- The unit size (number of bedrooms) stated on the voucher.
- A determination that a unit does not comply with NSPIRE 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 THA determines that an applicant is ineligible for the program THA 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 his/her right to request an informal review.

Informal review requests must be made in writing within the 10 business days from the date of the THA's Denial. 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 THA. 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 THA, but the *Director of the Housing Program* 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.

17.2 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 THA subsidy standards
- Termination of a family's FSS Contract, withholding supportive services, or proposing forfeiture of the family's escrow account

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

- Discretionary administrative determinations by THA, or to consider general policy issues or class grievances
- Determination that the unit does not comply with THA's NSPIRE 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 NSPIRE (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 THA schedule of utility allowances for families in the program



- Disapproval of unit or lease

When the THA determines that a family should be terminated from the program, THA will notify the family 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 family does not agree with the decision
- Tenant Protections under VAWA.

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

17.3 Conducting Informal Hearings

THA hearings will be conducted by a single hearing officer or a panel. The THA 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 THA representative(s)
- Any witnesses for the THA
- The family
- Any witnesses for the family
- The family's counsel or other representative
 - If the family is bringing legal counsel to the informal hearing, the family must notify THA at least 24 hours in advance of the hearing.
- Any other person approved by the THA will be as a reasonable accommodation for a person with a disability.

17.3.1 Hearing Decision

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

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

17.3.2 Invalid Decisions

When the THA considers the decision of the hearing officer/panel to be invalid based on HUD regulations and THA Policy, the Manager Community Assistance Office will send a notice to all parties attending the hearing that the decision is null and void. The notice will set a date and time for a new hearing.



17.3.3 Rights of the Applicant/Family and THA

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

- The applicant/family and THA have the right to present evidence, both oral and written.
- The applicant/family and THA have the right to question any witnesses, and the right to state his/her 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 his/her own expense.
- The applicant/family has the right to seek redress directly through judicial procedures of the court.
- THA has the right to make final submissions.

The applicant/family and THA have the right to review any documents directly relevant to the review/hearing. Review of documents will take place at the THA office. If the applicant/family or THA 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.

17.3.4 Review/Hearing Process

The review/hearing will follow the following guidelines:

- The review will be conducted by any person or persons designated by THA, other than a person who made or approved the decision under review or a subordinate of this person.
- All THA Denial and Termination notices will advise the applicant/family of his/her right to a review/hearing and the process to request a review/hearing.
- The applicant/family must request the informal review/hearing in writing within the required time frame (10 business days after receipt of notice from the THA).
- THA 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 THA.
- The notification of hearing will contain:
 - Date and time of the hearing
 - Location where the hearing will be held
 - Family's right to bring evidence, witnesses, legal or other representation at the



- Right to view any documents or evidence in the possession of THA and upon which THA 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.
- Notice to the family that the THA will request a copy of any documents or evidence the family will use at the hearing be provided to THA by 12:00 p.m. two business days prior to the scheduled 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 THA's decision.
- THA will notify the applicant/family of the THA 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.



17.3.5 Decisions Not Binding to THA

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

- A matter for which THA is not required to provide an opportunity for an informal review/hearing or otherwise in excess of the THA 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 THA, the Executive Director or his/her 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.

17.3.6 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 THA hearing is pending; however assistance to an applicant may be delayed pending the THA hearing.

17.4 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, THA 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 THA either in lieu of or subsequent to the USCIS appeal.

If the family appeals to the USCIS, they must give THA a copy of the appeal and proof of mailing, or THA may proceed to deny or terminate. The time period to request an appeal may be extended by THA 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 THA 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 THA will:

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

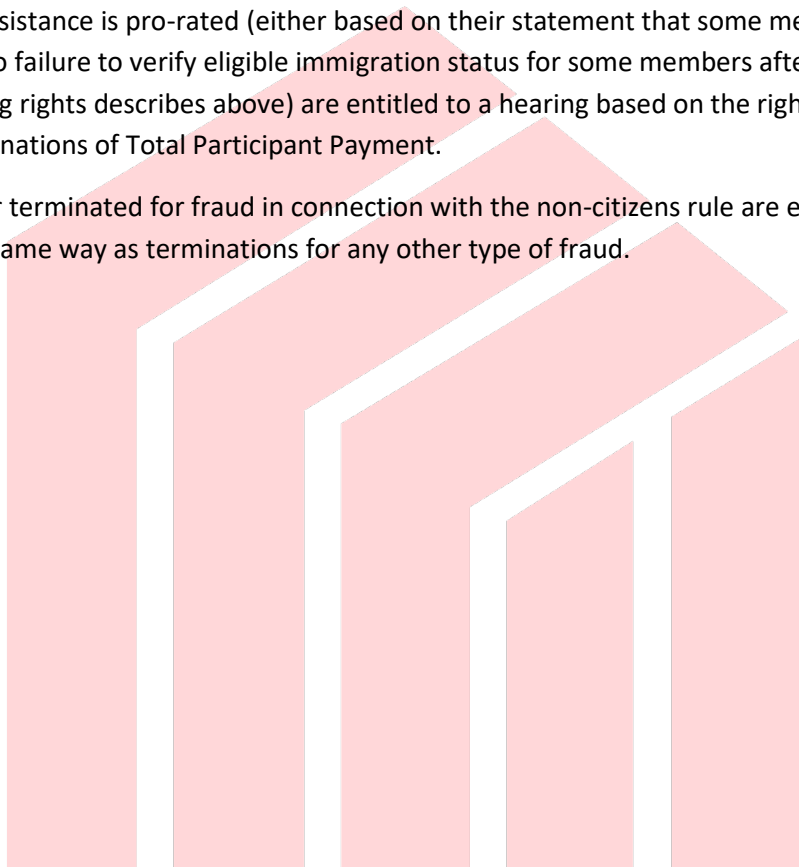


If there are eligible members in the family, the THA will offer to prorate assistance or give the family the option to remove the ineligible members.

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.



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CHAPTER 18: Program Integrity

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

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

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

18.1 Detecting Errors and Program Abuse

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

- Using the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the THA's error detection and abuse prevention efforts.
- Encouraging staff, families, 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 THA will determine:

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

18.2 Consideration of Remedies

All errors and instances of program abuse will be corrected prospectively. Whether the THA 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 THA 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

18.3 Notice and Effective Dates

The THA will inform the relevant party in writing of its findings and remedies within 10 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 THA 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 family rent will be implemented retro-actively to the date of the un-reported increase. The family may or may not be offered a repayment agreement, based on the seriousness and length of the unreported income.

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

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

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

18.4 Family Prohibited Actions

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

- Offering bribes or illegal gratuities to the THA Board of Commissioners, employees, contractors, or other THA 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 THA 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 THA may determine other actions to be program abuse based upon a preponderance of the evidence.

18.5 THA Prohibited Activities

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

- Failing to comply with any HCV program requirements for personal gain
- Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant or family
- Seeking or accepting anything of material value from applicants, families, owners, vendors, contractors, or other persons who provide services or materials to the THA
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of THA 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 THA determines that program abuse by a family or THA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, the THA 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.

18.6 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 THA.
- 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 THA;
- 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 THA Board of Commissioners, employees, contractors, or other THA representatives;
- Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the THA; or
- Residing in the unit with an assisted family.

18.6.1 Owner Remedies and Penalties

In the case of owner-caused errors or program abuse, the THA 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 THA determines that the owner has committed program abuse, the THA may take any of the following actions:

- Terminate the HAP contract.
- Bar the owner from future participation in any THA 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.

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

18.6.2 Corrections to Subsidy Payments

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

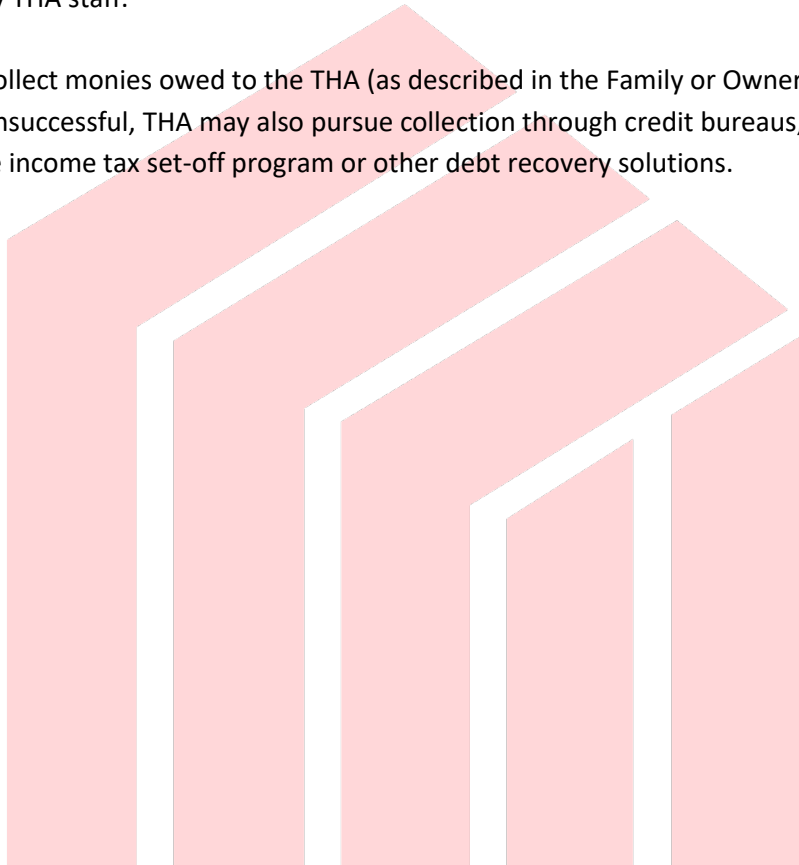
- An incorrect housing assistance payment to the owner;
- An incorrect family share established for the family; and
- An incorrect utility reimbursement to a family.



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 the first of the month following the discovery of the error. The family will not be reimbursed when the family caused 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 THA staff.

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



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